

“THE CHANGING FACE OF CIVIL-MILITARY RELATIONS”

An examination in the post 9/11 environment

BY

SCOTT M. WIEDERHOLT, Major, USAF

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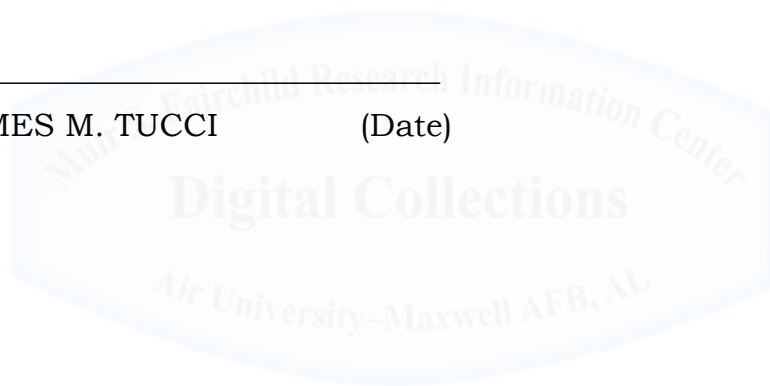
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APPROVAL

The undersigned certify that this thesis meets master's-level standards of research, argumentation, and expression.

Dr. EVERETT C. DOLMAN (Date)

Dr. JAMES M. TUCCI (Date)



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ABOUT THE AUTHOR

Major Scott Wiederholt graduated from Creighton University in 1999 with a B.S. in Applied Computer Science, from Touro University International in 2004 with a M.S. in Technology Management, and from Air Command and Staff College in 2011 with a M.S. in Military Operational Art and Science. His Air Force career has included two operational assignments as an Evaluator and Instructor pilot in the C-21A Learjet and C-17A Globemaster III aircraft and a joint exchange staff position at Military Sealift Command. His next assignment will be at McChord AFB, WA.



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ABSTRACT

The history of civil-military relations reflects attempts to conceptualize the interactions between the civilian and military spheres. This thesis studies American civil-military relations after the terrorist attacks of September 11, 2001. Using Samuel Huntington's seminal work *The Soldier and the State* as the theoretical model, this study examines the effects of Private Military Companies (PMCs), homeland security, and combatant commanders against Huntington's prescriptions. Huntington's influence on the field of civil-military relations remains formidable, yet these three areas introduced new complexities to the civil-military relationship Huntington did not foresee. The approach of examining how private institutions, a large government organization, and a singular senior military commander affect civil-military relations provides yet another way to synthesize the civil-military field of study. The growth in influence of these three areas underscores the importance to understand their impact. Failure to address these tensions threatens the nation and causes it to approach war with the wrong ideas on the kind of war faced. I devote one chapter to each area, and develop the historical background, relevant issues, and impacts to civil-military relations each topic levies. The final section summarizes the key findings of the study and suggests recommendations for extending this line of research.

Air University—Maxwell AFB, AL

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Introduction

Because we fear others we create an institution of violence to protect us, but then we fear the very institution we created for protection

Peter Feaver

Three founding fathers penned a series of articles and essays, known as *The Federalist Papers*, to inform the debate and educate the public on issues facing the fledgling United States.¹ Throughout the collection of essays, the authors discussed fears of a strong central government and the corrosive influence of a large standing army, sensitivities readily accepted by the American public.² The British redcoats, so recently quartered in their homes to uphold the laws of a faraway monarch exemplified to the public the excesses of a large standing army. They symbolized a source of tyranny and a trampling of rights under the power of a single person without recourse.³ These events, fresh in the public's and founders' minds, fueled fears of a large standing army. But the realities of then-modern politics required a viable national defensive capability if the new Republic had a chance at survival.

Alexander Hamilton argued that a standing army under the rules of the proposed Constitution represented a different construct, one acceptable to a pluralist society. The standing army he advocated differed

¹ Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers* (LaVergne: Beacon Hill, 2009). Also see Richard B. Morris, "The Origin and Framing of the Constitution," in *The United States Military under the Constitution of the United States, 1789-1989*, ed. Richard Kohn (NY: NYU Press, 1991), 55. The collection of arguments against ratifying the Constitution became known as the Anti-Federalist Papers. For more see, <http://www.constitution.org/afp/afp.htm>.

² Hamilton, Madison, and Jay, *The Federalist Papers*. Essays 23-29 cover this fear.

³ As an example, see the Quartering Act of 1765, available <http://www.ushistory.org/declaration/related/quartering.htm>

from the British model in that its duration and size relied entirely on votes of the legislative body. As this body was closest to the people, the Federalist argued, people should not fear an armed force raised and supported through their representatives. Indeed, the demobilization of the Continental Army after the Revolutionary War exemplified the people's power through their representatives to assuage this fear.

Along with relying on the representatives of the people, the framers built additional checks against the threat of a standing army. One includes the division of two great powers, the purse and the sword. Congress, under Article I section eight, holds the power to raise and support armies, and to provide and maintain a navy. The President, under Article II section two, is the Commander-in-Chief.⁴ By dividing military control between the Legislative and Executive branches, the framers ensured no one branch gained complete control.⁵ The state militias provided a final safeguard from an army seizing power as well as a ready supplement to the Army in times of national need. Any elements of the standing army choosing to thwart common liberties would face a much larger force of armed citizens.⁶

In addition to formal restrictions, informal precedents followed the tendency away from concentration of military power in the hands of a few. Washington's decision to resign his commission following the Revolutionary War, for example, helped establish the American tradition of civilian control over the military.⁷ Nonetheless, over time a dilemma arose between the liberal ideals of the Founding Fathers and changes in the requirements of national security. Following a traditional post-war

⁴ The U.S. Constitution Online, <http://www.usconstitution.net/>

⁵ Richard H. Kohn, "The Constitution and National Security," in *The United States Military under the Constitution of the United States, 1789-1989*, ed. Richard Kohn (NY: NYU Press, 1991), 84.

⁶ Kohn, "The Constitution and National Security," 84-85.

⁷ Mackubin Thomas Owens, *US Civil-Military Relations After 9/11: Renegotiating the Civil-Military Bargain* (NY: Continuum, 2011), 55.

pattern, after WWII American military power was effectively demobilized.⁸ But power relationships had been severely altered in the intervening years, and the US found itself with unaccustomed overseas commitments and responsibilities as the Free World's leading power. In the face of Soviet aggression and a developing Cold War, US leaders recognized a need to retain a large standing army in peacetime.⁹ The citizen-soldier model, the raising of militias and armies quickly in conflict and rapid demobilization in peacetime, no longer sufficed for the growing complexities of war and warfare.

President Eisenhower struggled with this growing need to maintain a large military. The United States needed to adjust to the fact that its global military responsibilities did not end with the peace following WWII, but it also foreshadowed a new set of problems. A large standing military would prove to be a constant drain on what he believed to be the true source of American power, its free market economy. Moreover, growing international responsibilities would extend into the make-up of a new kind of military influence over areas, such as the economy, traditionally under the civilian's purview. In this way, Eisenhower believed the US planted the seeds for the emergence of a powerful and potentially uncontrollable military-industrial complex, a scenario he warned the nation to avoid in his farewell speech.¹⁰

⁸ In addition to the threat of military taking over the powers of government, another threat tied to large mobilizations and war is cost. For a starting point on the costs of war, see Robert D. Hormats, *The Price of Liberty – Paying for American's Wars from the Revolution to the War on Terrorism* (NY: Times Books, 2007).

⁹ Marybeth P. Ulrich & Martin L. Cook, "US Civil Military Relations since 9/11: Issues in Ethics and Policy Development", *Journal of Military Ethics* 5, no. 3 (2006), 162.

¹⁰ Walter A. McDougall, ... *the Heavens and the Earth: A Political History of the Space Age* (Baltimore, MD: The Johns Hopkins University Press, 1997), 8.

Waves of civil-military research

As the US transitioned into a period with a large standing military, theorists sought a solution for how to meet the heightened military security requirements without sacrificing the traditional US commitment to liberal democratic ideals. Three theorists provided the framework of debate for decades. Samuel Huntington, in *The Soldier and the State*, argued the US should retreat from some liberalist tendencies and embrace a more conservative culture compatible with the demands of military security.¹¹ In rebuttal to Huntington, Morris Janowitz, in *The Professional Soldier*, advocated the use of an international constabulary force that would be continually prepared to act, committed to minimum use of force, and seeking viable international relations rather than victory.¹² In *The Man on Horseback – The Role of the Military in Politics*, Samuel E. Finer provided a nuanced understanding of why, how, and under what circumstances the military influences political affairs.¹³

The models provided by Huntington, Janowitz, and Finer provided the foundational tenets that most civil-military discussions drew from throughout the Cold War. While Janowitz and Finer still resonate, I focus primarily on Huntington's theory as it remains the most relevant civil-military relations theoretical model for the case studies that follow, has retained its influence as the premier normative model for the American military, and more appropriately, continually receives positive reception in the US officer corps.¹⁴ It is, in short the model the US actually strives to employ.

¹¹ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Belknap Press) (Cambridge: Harvard University Press, 1957), 456-7.

¹² Morris Janowitz, *The Professional Soldier*, (New York: Free Press, 1971), 418. Janowitz first edition was published in 1960. The 1971 edition has a longer epilogue as the distinguishing element.

¹³ Samuel E. Finer, *The Man On Horseback: the Role of the Military in Politics* (New Brunswick, N.J.: Transaction Publishers, 2002).

¹⁴ Feaver, *Armed Servants*, 7. Feaver's *Problematic* also detailed how Huntington's model became accepted by the military. Eliot Cohen references Huntington's status as the normative model in his book *Supreme Command*.

In the waning years of the Vietnam conflict and through the demise of the Soviet Union, a second wave of civil-military research developed.¹⁵ Factors motivating the renewed vigor in research included the perceived mismanagement of the Vietnam conflict; the end of conscription and beginning of the all-volunteer force; divergent ideologies between military members and society; and the realization the military now competed with the civilian sector for qualified personnel.¹⁶ Charles Moskos' *Public Opinion and the Military Establishment* dealt with the dynamic societal and world events the military now faced.¹⁷ James Clotfelter's *The Military in American Politics* captured the military's ability to influence policy.¹⁸ In the wake of this second wave, Huntington returned to the civil-military debate in 1982 with "American Ideals versus American Institutions." In the article, he posited that an issue with civil-military relations had come about from the gap between what Americans believed their society should be and how it actually existed.¹⁹ Finally, a fictional tale written by Charles Dunlap titled "The Origins of the American Military Coup of 2012" envisioned a scenario in which the military's increasing political influence culminated in a coup d'état.²⁰

The end of the Cold War and the subsequent military drawdown during the 1990's saw another wave of increased activity within civil-military research. Michael Desch wrote in *Civilian Control of the Military: The Changing Security Environment* that the removal of a central external

¹⁵ Ronald N Dains, "Lasswell's Garrison State Reconsidered: Exploring a paradigm shift in U.S. Civil Military Relations Research," (PhD diss., University of Alabama, 2004), 43. Dains covers three waves of civil-military literature. The first wave started with Lasswell's Garrison State in 1941, the second wave toward the end of Vietnam, and the third wave around the end of the Cold War.

¹⁶ Dains, "Lasswell's Garrison State Reconsidered," 35.

¹⁷ Charles C. Moskos, ed., *Public Opinion and the Military Establishment* (Beverly Hills, CA: Sage Publications, Inc, 1971).

¹⁸ James Clotfelter, *The military in American politics* (NY: Harper and Row, 1973).

¹⁹ Samuel Huntington, "American ideals versus American institutions," *Political Science Quarterly*, no 1: 1-37. Available at JSTOR, <http://links.jstor.org>, accessed 07 April 2012.

²⁰ Charles Dunlap, Jr. "The origins of the American military coup of 2012," *Parameters* 22, no. 4 (winter 1992-1993): 2-20.

threat caused the relationship between the military and civilian sectors of society to deteriorate.²¹ Charles Moskos edited a collection of essays titled *The Postmodern Military: Armed Forces after the Cold War* that provided a sociological examination arguing that a new type of military, a post-modern military, had emerged following the end of the Cold War.²² Everett Dolman's, *The Warrior State: How Military Organization Structures Politics*, analyzed the interrelationships between the military and society and challenged the traditional convention that the military is detrimental to democratic development.²³ Peter Feaver's article "The Civil-Military Problematique: Huntington, Janowitz, and the Question of Civilian Control" argued that the Huntington and Janowitz models no longer applied in the post-Cold World environment.²⁴

This brief, albeit incomplete list of studies on civil-military relations reflects an ebb and flow paradigm that depends on the existing political environment and characteristics of the senior personnel of the military and civilian realms for their explanatory power. Throughout the period, Huntington's *Soldier and the State* remained the primary theoretical construct that most authors used to start their research. This thesis continues that trend. As the twenty-first century began, the terrorist attacks on September 11, 2001 introduced new challenges to civil-military relations and sparked yet another wave of research.

²¹ Michael C. Desch, *Civilian Control of the Military: The Changing Security Environment* (Baltimore: The Johns Hopkins University Press, 2001).

²² Charles C. Moskos, John Allen Williams, and David R. Segal, eds., *The Postmodern Military: Armed Forces After the Cold War* (New York: Oxford University Press, USA, 2000).

²³ Everett Carl Dolman, *The Warrior State: How Military Organization Structures Politics* (New York: Palgrave Macmillan, 2005).

²⁴ Peter Feaver, "The Civil-Military Problematique: Huntington, Janowitz, and the Question of Civilian Control," *Armed Forces and Society* 23 (1996).

Research Question

The international security environment changed dramatically in the twenty years following the end of the Cold War. After muddling through the 1990's, the US was faced with a broad spectrum of threats. The world was no longer a battle between two superpowers. Today, the US must now address a rising China, along with other nations growing in influence.²⁵ Non-state actors such as Al Qaeda represent a powerful example of an ideology manifesting into a long war juxtaposed against a military whose intellectual thought remained stagnant in Cold War mannerisms.

These changes in the world's security environment introduced turbulence to how the US wages war—into how the people, the government, and the military interact to conduct violence. This prompts a straightforward question: since 9/11, does the normative model of civil-military relations, represented by *The Soldier and the State*, effectively explain how the military, societal, and civilian spheres interact? For example, some studies indicate the all-volunteer forces introduced after Vietnam have created an unhealthy gap between the military and the society it protects.²⁶ Others argue the wars of Napoleon, of massive armies clashing against one another, no longer exist. Rather, today's conflicts occur among the people, requiring an alternative view from the battlefield wars of a foregone era.²⁷ The attacks of 9/11 sparked the military operations in Afghanistan and Iraq and a remarkable reorganization of the government. Shortsighted strategies in the former

²⁵ Williamson Murray, "Professionalism and Professional Military Education in the Twenty-First Century" in Suzanne C. Nielson and Don M. Snider eds., *American Civil-Military Relations – The Soldier and the State in a New Era* (Baltimore, MD: The Johns Hopkins University Press, 2009), 143.

²⁶ Peter D. Feaver, Richard H. Kohn, and Lindsay P. Cohn, "The Gap Between Military and Civilian in the United States in Perspective," in *The Civil-Military Gap*, eds. Feaver and Kohn, 1-11.

²⁷ Rupert Smith, *Utility of Force: The Art of War in the Modern World* (NY: Knopf, 2007).

and complexities in the latter highlight new challenges to civil-military relations.

According to Douglas Bland, a proper study of civil-military relations should seek to address four central concerns regarding militaries within democratic governments: (1) Prevent the military from seizing political power (i.e. via a coup); (2) Meet the massive resource needs of military forces without bankrupting society (budgetary concern); (3) Prevent corrupt politicians from misusing a powerful military by leading the country into unnecessary wars; and (4) Management of the relationship of military expertise to the needs of political leaders (referred to as asymmetric information).²⁸ Accordingly, I attempt to bring out these concerns in my argument, which covers three broad and distinct areas.

In chapter one, I examine the rise of the private military company (PMC). In this chapter, elements of military misuse and expertise highlight the need to ensure PMCs do not encroach on core military duties. In chapter two, I explore how the ideal of homeland security changed after 9/11 and how civil-military relations may become strained as the government seeks to balance the massive resources of an externally focused military with the need to defend the homeland. Finally, in chapter three I examine how the growing strength of the combatant commander reflects an insidious military claim of political power and influence. This commandeering of influence led to a fractional civil-military discourse throughout the conflicts in Afghanistan and Iraq.

Peter Feaver summarized Bland's four concerns by stating the main challenge in civil-military relations, hereafter referred to as Feaver's *Problematique*, is to "reconcile a military strong enough to do anything the civilians ask them to with a military subordinate enough to do only

²⁸ Douglas Bland, "A Unified Theory of Civil-Military Relations," *Armed Forces & Society*, (1999), 7-26. See also Katherine McCoy, "Beyond Civil-Military Relations: Reflections on Civilian Control of a Private, Multinational Workforce," *Armed Forces & Society* (2010), 671-693.

what civilians authorize them to do.”²⁹ His dichotomy boils down to two core threats: either the military fails to obey (e.g. because it is weak, poorly disciplined, etc) or it interferes with or attempts to direct the state.³⁰ The military (as the agent) stepping into either of these roles represents a violation of the proper civil-military (principal-agent) relationship. For the US military, the disparate characteristics of national security threats in the twenty-first century require breadth of expertise, internal and external focus, and respect for the power and influence requisite for some senior positions. Accordingly, the discourse between the civilian and military must not be encumbered by civil-military theories lacking the explanative power necessary to function in today’s complex world.

The capacity of a nation to wage war depends on maintaining a balance among the actors in Clausewitz’s trinity: the people, the general, and the government—not an easy task. Clausewitz likened it to balancing “an object suspended between three magnets.”³¹ When examining the kind of war upon which a nation will embark, what Clausewitz calls “The first, the supreme, the most far-reaching act of judgment that the statesman and commander have to make,” the interrelationships of the elements of the trinity is of the essence.³² Decision-makers must consider the motivations, support, and dedication of the people. Because “war does not consist of a single short blow,” the enduring support of the people is critical.³³ Finally, as “war [is] an act of policy,” wise practitioners will investigate the rational and realistic characteristics of the government’s policies, because “[p]olicy [will] permeate all military

²⁹ Peter Feaver, “The Civil-Military Problematique,” 149.

³⁰ McCoy, “Beyond Civil-Military Relations,” 673.

³¹ Clausewitz, *On War*, 89.

³² Clausewitz, *On War*, 89.

³³ Clausewitz, *On War*, 79.

operations.”³⁴ The leader’s genius, or *coup d’oeil*, reflects the quality of the military’s leadership, organization, and the way it conducts war.³⁵

The history of civil-military relations reflects attempts to conceptualize the interactions between the civilian and military spheres. The existing political and security environment influenced the formation of those theories. After 9/11, Private Military Companies (PMCs), homeland security, and combatant commanders introduced new complexities to the civil-military relationship Huntington did not foresee. Failure to address these tensions threatens the nation and causes it to approach war with the wrong ideas on the kind of war faced. Healthy civil-military relations represent a piece of the puzzle to weave through war’s complexities.



³⁴ Clausewitz, *On War*, 87.

³⁵ Clausewitz, *On War*, 100.

Chapter 1

The Private Military Company: Their Rise and Effects

Although the use of contractors during military operations is well established, most experts agree that the scale of the deployment of contractor personnel in the Iraq theater (relative to the number of military personnel in the country) is unprecedented in U.S. history.

Congressional Budget Office
*Contractors' Support of U.S.
Operations in Iraq*

The modern rendition of the Private Military Company (PMC) challenges the state's claim to a monopoly on the legitimate use of violence.¹ The existence of these companies suggests an alternative and implicitly acceptable means of applying force.² Three major international developments contributed to this evolution of the mercenary: the end of the Cold War and dismantling of the Warsaw Pact; the end of the apartheid system in South Africa; and the American Global War on Terrorism (GWOT).³

The end of the Cold War brokered in a new era where declining military budgets coupled with an unforeseen instability in international affairs drove an increased use of PMCs. Four factors contributed to this trend: deep cuts in military personnel, a push to move non-core military functions to the private sector, the military's reliance on the private sector to maintain sophisticated weapon systems, and flexibility of the

¹ PMCs have existed for centuries, with extensive case studies covering the *condottieri* during the Italian Renaissance (AD 1300-1500). See Jurgen Brauer and Hubert van Tuyl, *Castles, Battles, & Bombs: How Economics Explains Military History* (New York, NY: University Of Chicago Press, 2009), 307.

² Brauer & van Tuyl, *Castles, Battles, & Bombs*, 307.

³ Simon Chesterman and Chia Lehnardt, eds., *From Mercenaries to Market: the Rise and Regulation of Private Military Companies* (NY: Oxford University Press, USA, 2007), 3. The definition of PMC used here is "firms providing services outside their home states with the potential for use of lethal force, as well as training of and advice to militaries that substantially affects their war-fighting capacities."

executive to manage troop ceilings.⁴ These factors allowed the military to focus on its primary military duties, those directly related to war fighting, and less on ancillary ones supporting military preparedness in peace and conflict.⁵

As the US military struggled to define its role in post-Cold War non-traditional missions, the increased use of PMCs expanded from performing periphery functions and encroached into traditional core missions. Force cuts provided the PMCs an experienced employee base to conduct missions uncovered by the downsizing defense sector. As PMCs established a reputable image for fulfilling the lesser, menial military tasks, states soon realized how PMCs, such as Executive Outcomes, could fill security needs not requiring a full military response.⁶ PMCs followed the market and expanded their capabilities from support and consulting to providing security force options.⁷ The growth of this industry shows no signs of slowing down. It is no wonder that this fueled debate on its effects on the military's professional status.

Samuel Huntington advocated for a strong professional army to exercise force on behalf of the state. Conversely, employees of PMCs may not relate to the ideals of the state with whom they enter into contract. Motivated by profits and efficiency, much of what PMCs do is often hard to put in state-based terms. In an insidious chain of events, the turbulence among the elements of Clausewitz's trinity, through the

⁴ Stephen Zamparrelli, "Contractors on the Battlefield: What Have We Signed up For?" Air War College Research Report, March 1999, 8. Also see Dan Briody, *The Halliburton Agenda: the Politics of Oil and Money* (Hoboken, NJ: Wiley, 2004).

⁵ Zamparrelli, "Contractors on the Battlefield," 10-11. He defined core functions as those requiring a military or organic capability either because it was "combat in nature, required potential deployment into harm's way, or required the capability to be expanded (surged) in times of crisis." Also see U.S. Congress, *Contractors' Support of U.S. Operations in Iraq*, (Washington DC: Congressional Budget Office, 2008), 18.

⁶ P.W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry*, Updated ed. (Ithaca, NY: Cornell University Press, 2008). Singer dedicates an entire chapter covering Executive Outcomes history.

⁷ Deborah D. Avant, *The Market For Force: the Consequences of Privatizing Security* (NY: Cambridge University Press, 2005), 16.

increased reliance on PMCs, may put the general, government, and society at the mercy of private industry. Military downsizing reduced the service's organic capacity to replace contractors when they fail or choose not to work. Transparency issues in contract execution lead to an ill-informed public unable to participate adequately in the democratic process. Increased executive power puts the Congress in a bind and places the military between each of its civilian bosses with no room for error. By turning over large portions of the military's traditional portfolio to market forces, the executive branch effectively cedes society's participative role in decisions to use force.⁸ It also brings into question Huntington's long held dictum that the military should represent the sole "managers of violence."⁹

Still, functions provided by PMCs remain integral to today's modern military. Huntington excluded private security actors from his theoretical construct, as they are not a profession in his view.¹⁰ But clearly, the influence of PMCs can affect civil-military relations as described by Feaver's *Problematique*. The following section explores whether advances in civil-military theory can explain how this dialogue functions in the shadow of PMCs. After providing a historical background on the development of PMCs, the discussion focuses on the criticisms, both positive and negative, of the issues increased PMC usage introduces to the civil-military dialogue and then explores how civil-military theory should fill those gaps.

⁸ Kateri Carmola, *Private Security Contractors and New Wars* (Contemporary Security Studies), Reissue ed. (Routledge, 2011), 155.

⁹ Huntington, *Solider and the State*, 12.

¹⁰ Huntington argued that a military officer's primary duty is to protect the state and society, and thus should have little motivation for monetary compensation. PMCs primary duty is for monetary gain. To talk about protecting society, patriotism, or duty to country is an anathema.

1.1 Historical Perspectives

The modern practice of contracting companies to conduct violence on behalf of the state traces back to the fourteenth century.¹¹ During this period, for-profit entities often characterized the participants in war. Successful armies expected to share in the gains from war, be they loot or treasure, land or other grants. Mercenary armies, in the form of companies, came to the forefront in the fourteenth century when Italian city-states made them the standard army model. Fueled by a revival of urban-based commercial economies, trading companies developed a contract system to hire private units to perform military services. This allowed minimal disruption to society, preventing citizens (needed to work in the economy) from wasting efforts on war.¹²

After the time of the *condottieri*, the evolution of the private military enterprise went through some ebbs and flows. By the seventeenth century, war became a lucrative industry in the Europe.¹³ Forces consisting primarily of mercenary armies, funded by the state, were hired to ravage foreign provinces. The emergence of a state-based system, following the Peace of Westphalia in 1648, marked the beginning of the end for forces comprised mostly of mercenaries. This state system increased the state's power and monopolized its claim of control over the use of force.¹⁴ The Wars of the French Revolution, fueled by the *levee en masse*, solidified the transition to armies made up of state citizens.¹⁵

While the hiring of private entities to perform military services did not entirely disappear, by the twentieth century, large charter companies

¹¹ William H. McNeill, *The Pursuit of Power: Technology, Armed Force, and Society Since A.D. 1000* (Cambridge, MA: University Of Chicago Press, 1984), page 69. Prior to this time, the state (or city-state) recruited men specializing in warfare and formed them into small groups typically along tribal or cultural lines. Chieftains or group leaders could also be offered returns for bringing their individual armies into battle as for-profit allies.

¹² Singer, *Corporate Warriors*, 19-26.

¹³ Singer, *Corporate Warriors*, 28. Also see Michael Howard, *War in European History*, Updated ed. (NY: Oxford University Press, USA, 2009), 44.

¹⁴ Howard, *War in European History*, 30.

¹⁵ Singer, *Corporate Warriors*, 29.

(such as the Dutch East India Company) were largely gone.¹⁶ As nations recovered from the two great wars of the twentieth century, large standing armies became the paradigm representing the states' control of violence. However, the growing complexity and technical nature of warfare exceeded the realistic capabilities of the military and necessitated private sector support, opening the floodgates of state monies to the private company. Twenty years after WWII, the government contract served to create a "self-perpetuating coalition of vested interests" that banded together, forming powerful interest groups.¹⁷ Thus, Eisenhower's famous warning in his farewell speech to "guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex" is apropos.¹⁸ The influence of the PMC deserves the keen attention of both the civilian and military establishments.

1.2 Advantages

After the Cold War, the many conflicts did not warrant the response requisite with traditional military mobilizations. Supply and demand for these lower-intensity security issues increased PMC attractiveness for companies such as Executive Outcomes.¹⁹ PMCs provided a useful alternative on a global scale. They have a deeper pool of employees to draw on, their freedom from bureaucratic hurdles allows rapid deployments, and the short-term nature of the contracts leads to

¹⁶ Singer, *Corporate Warriors*, 37.

¹⁷ H. L. Nieburg, *In the Name of Science*, 2d ed. (Chicago: Quadrangle, 1966), 193. Nieburg states, "With vast public funds at hand, industries, geographical regions, labor unions, and the multitude of supporting enterprises band together with enormous manpower, facilities, and Washington contacts to maintain and expand their stake. Mobilized to serve national policy, private contractors interpenetrate government at all levels, exploiting the public consensus of defense, space, and science to augment and perpetuate their own power, inevitably confusing narrow special interests with those of the nation."

¹⁸ President Dwight D. Eisenhower, (farewell address, Washington DC, 17 Jan 1961), http://www.eisenhower.archives.gov/research/online_documents/farewell_address.html

¹⁹ Deborah Avant, "The emerging market and problem of regulation," in *Markets for Mercenaries*, 182.

perceived cheaper costs for the state.²⁰ The state does not have to worry about vetting, training, or managing PMC employees. This decreases the personnel costs of maintaining analogous governmental positions.²¹ These structural advantages of the PMC remain very attractive.

PMCs also can lower the political price for government policies. For example, the large amount of contractors deployed to the Iraq Theater allowed the Bush administration to avoid the sticky political situation of calling up additional reserve and guard forces.²² Furthermore, the executive branch can hire PMCs without Congressional oversight as long as the contract amount remains below the \$50 million threshold.²³ This ability to hire PMCs outside the purview of congressional oversight allows the executive to meet foreign policy objectives with limited public and congressional debate, which can be construed as weakening the Constitutional check on its power.

1.3 Civil-military issues

Despite these advantages, civil-military issues on the use of PMCs exist. For the US military, control authority resides in institutional mechanisms such as the Constitution, the Uniform Code of Military Justice (UCMJ), and a strict hierarchical structure represented in the chain of command.²⁴ The institutional means to execute this authority resides in the bureaucracy itself. Conversely, PMCs lack tools analogous to the institutional methods militaries utilize to control their forces. For example, they do not have the same command and control structures of

²⁰ Avant, *Market Force*, 123; McCoy, "Beyond Civil-Military Relations," 676.

²¹ McCoy, "Beyond Civil-Military Relations," 676.

²² Singer, *Corporate Warriors*, 245. Ironically, this reflects a counter to the Abrams Doctrine. After Vietnam, the military pushed a lot of its capability to the guard and reserves, a direct attempt to ensure that the government could not deploy large numbers of military personnel without the public knowing about it.

²³ Marina Caparini, "Domestic Regulation: Licensing Regimes for the Export of Military Goods and Services," in *From Mercenaries to Market*, 164.

²⁴ Andrew Cottey, Timothy Edmunds, and Anthony Foster, "The Second Generation Problematic: Rethinking Democracy and Civil-Military Relations," *Armed Forces and Society* 29, no. 1 (Fall 2002), 46.

the military, making coordination and communication difficult.²⁵ PMC employees often lack the physical capability, training, and discipline necessary for support on the battlefield, making the military's job of force protection and oversight problematic.²⁶ These issues speak to a lack of institutional norms.²⁷ The lack of institutional norms within the PMC community highlights challenges for the military, civilian, and societal realms.

One challenge is that PMCs may undermine the military profession. Private companies share no obligations other than to the contract. Monetary gain, rather than established institutional norms, motivates their intentions. Conversely, professional soldiers embody a strong tradition of a collective ethos bound through duty and patriotism to protect society.²⁸ Monetary gain for the military, in Huntington's model, is secondary to a soldier's duty and patriotism, or ought to be. The nature of the private or market force conflicts with Huntington's professionalism tenets of expertise, responsibility, and corporateness.²⁹

The issue of pay and recruitment, according to many authors, plays a role in this undermining of the military profession.³⁰ The argument states that military members will question their loyalty and sense of duty to the nation when working beside contractors who make significantly more money. It follows that recruitment and retention problems for specific in-demand skills such as Special Operations or

²⁵ Lieutenant Colonel Nathan E. Hill, "Military Contractors – Too Much Dependence?" Research Report (Carlisle, PA: US Army War College, 2005), 13. Also see Deborah C. Kidwell, *Public War, Private Fight? The United States and Private Military Companies* (Leavenworth, KS: Combat Studies Institute Press, 2005), 19-20.

²⁶ Zamparelli, "Contractors on the Battlefield," 29-30.

²⁷ Cotter, et al, "The Second Generation Problematic," 34. One of Samuel Finer's most useful contributions in *The Man on Horseback* addressed control. The institutionalizing of roles, positions, and legal processes mitigated the potential power of the military institution and thus, strengthened civilian control.

²⁸ Elke Krahmann, *States, Citizens and the Privatization of Security* (Cambridge: Cambridge University Press, 2010), 13.

²⁹ Huntington, *Soldier and the State*, 8-18.

³⁰ See Singer (*Corporate Warriors*), Avant (*The Market Force*), and the collected essays edited by Chesterman, Simon, and Lehnhardt (*From Mercenaries to Markets*) for discussions on pay and recruitment challenges for the military and the private sector.

military police will result. The GAO and CBO reported data contradictory to this argument, however. In 2005, the GAO reported that attrition rates associated with the desired specialties of PMCs returned to the same or slightly lower levels seen prior to 2001.³¹ In 2008, the CBO found the loss of experienced military personnel to the private sector did not cause shortages to similar categories in active duty personnel.³² According to the GAO, programs of incentives and bonuses, along with benefits of a full military retirement, seem to offer a counter to this claim.³³ However, the report missed a key point. The fact that the military needed to increase pay to soldiers, in the form of bonuses and incentives, indicates an effort to prevent the departure of key military specialties to the PMC force, proving the attractiveness of the PMCs to certain military career fields.

Of course, pay issues can affect how PMCs control workers within their *own* organizations. For example, Figure 1 reflects the difference in salary PMCs provided security guards in Iraq for the year 2006. The disparity between the different nations led to disgruntled workers, influencing morale and discipline within PMC workforces.³⁴ The PMC's desire to increase profit decreased morale and discipline, increasing the likelihood of workers either disobeying or shirking.

³¹ U.S. Government Accounting Office, *Report to Congressional Committees: Rebuilding Iraq - Actions Needed to Improve Use of Private Security Providers*, GAO report no. 05-737 (Washington DC: Government Accounting Office, July 2005), 36.

³² Congressional Budget Office, *Contractors' Support of U.S. Operations in Iraq*, 11.

³³ GAO report no. 05-737, *Actions Needed to Improve Use of Private Security Providers*, 35.

³⁴ McCoy, "Beyond Civil-Military Relations," 682.

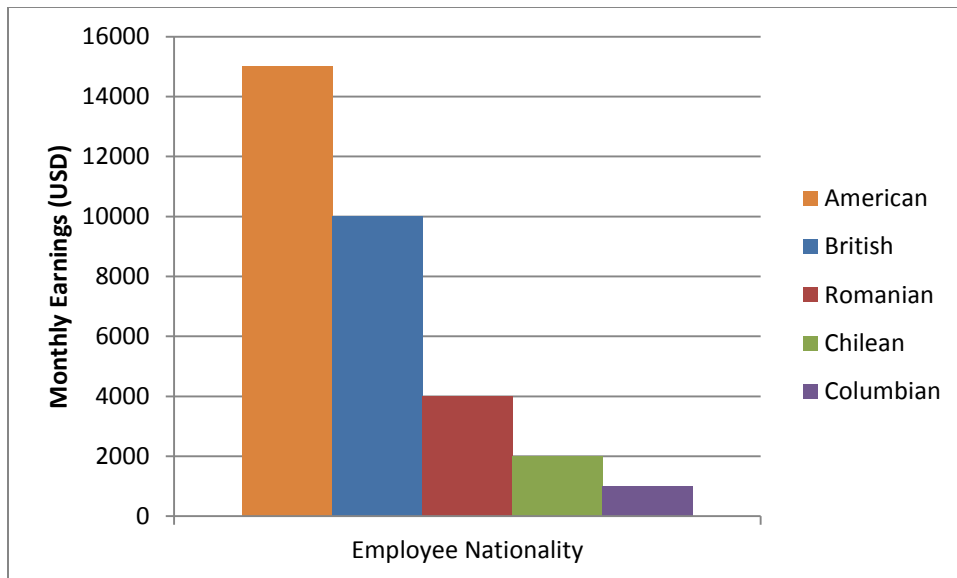


Figure 1: Private military corporation security guard salaries in Iraq, 2006

Source: Katherine McCoy, "Beyond Civil-Military Relations: Reflections on Civilian Control of a Private, Multinational Workforce," Armed Forces & Society (2010), 682.

PMCs can also undermine democratic practices. Deborah Avant and Lee Sigelman conducted a study to determine how the use of PMCs affects constitutionalism and democracy in the United States.³⁵ They discuss one of the key links between society and the government is the military member. These members, who are also citizens, give up their time and possibly their lives, to serve the country. This citizen-soldier connection enhances societal participation in government foreign policy.³⁶ Therefore, society's engagement with defense and security issues represents an important element for civil-military relations in democracies.³⁷

This societal engagement assumes that states utilize a military formed from their citizenries to project force.³⁸ Huntington argued that the constitutional structure of the state and the ideological makeup of

³⁵ Deborah Avant and Lee Sigelman, "Private Security and Democracy: Lessons from the US in Iraq," *Security Studies* 19 (2010) 230-265.

³⁶ Avant and Sigelman, "Private Security and Democracy," 241.

³⁷ Cottey, et al, "The Second Generation Problematic," 46.

³⁸ Avant and Sigelman, "Private Security and Democracy," 230-265.

society, parts of his societal imperative, shaped civil-military relations. According to Huntington, liberal or anti-military ideology had to weaken in order to accept a large standing army to address an external threat (his functional imperative) to ensure national security.³⁹ Since the army is comprised of US citizens, the ideology of American society needed to change to address the threat from the Soviet Union.⁴⁰ The ideological underpinnings of Huntington's theory, therefore, reflect the existence of a societal link through the soldier to the civilians who construct foreign policy. The emergence of a robust market for PMCs changed this dynamic.

The use of PMCs weakens transparency, degrading the democratic role of the citizens to participate in foreign policy decisions. One way the use of PMCs diminishes democratic participation is to disconnect society from the government's foreign policy agenda. PMCs provide policy makers the ability to avoid sensitive issues on the use of force when quick action is required. The PMC market provides ready-to-execute options to civilian leaders that avoid the political baggage associated with deploying US military members.⁴¹ Additionally, the reticent nature of the PMC industry often obscures its participation in conflict environments.⁴² As discussed earlier, the executive branch's ability to bypass congressional oversight functions if the contract remains below a \$50-million trigger point also weakens transparency.⁴³ Singer describes this as accomplishing "public ends through private means."⁴⁴

Huntington stated that the military professional's "relation to society is guided by an awareness that his skill can only be utilized for

³⁹ Huntington, *Soldier and the State*, 456-7.

⁴⁰ Feaver, *Armed Servants*, 16-17.

⁴¹ Singer, *Corporate Warriors*, 245. PMCs can protect internal organizational workings due to their private nature.

⁴² Andrew Bearpark and Sabrina Schulz, "The future of the market," in *From Mercenaries to Market*, 243.

⁴³ Marina Caparini, "Domestic Regulation: Licensing Regimes for the Export of Military Goods and Services," in *From Mercenaries to Market*, 164.

⁴⁴ Singer, *Corporate Warriors*, 206, Avant, *Market Force*, 238; Cottey et al, 46.

purposes approved by society through its political agent, the state.”⁴⁵ This concept of approval also extends beyond the member’s retirement. PMCs can confuse this relationship by blurring the military’s relationship to society, jeopardizing the high status of the military *in* society. For example, when an international PMC recruits a retired military member, it takes advantage of the skills and training paid by a US society who may or may not approve of the PMCs’ activity.⁴⁶ This link with a for-profit motive disassociates the military profession from the values society traditionally attaches to the military.

Another issue is knowledge. PMCs can become the only source of knowledge for critical military capabilities, giving the government limited options when placed in a bind. President Reagan famously stated, “information is the oxygen of the modern age.”⁴⁷ When viewing the power of information and knowledge in the context of PMCs, the military and the civilian realms face a growing institutional influence. For example, the Army utilizes a system called LOGCAP to handle its logistical mission. Brown & Root (now KBR) won the bid to run LOGCAP, eventually earning the moniker “mother of all contracts.”⁴⁸ As the program grew, it matriculated throughout the Army, allowing the service to reduce its man, train, and equip functions associated with the logistical career field. KBR eventually held the high ground in knowledge and ability, prompting many in the Army to state they could not do logistics without contractual support.⁴⁹ Prior to this level of outsourcing, if the Army had issues with contractors, commanders simply turned the task over to qualified military personnel. Thus, when faced with KBRs’

⁴⁵ Huntington, *Solider and the State*, 15.

⁴⁶ Singer, *Corporate Warriors*, 204. Also see Krahmann, *States, Citizens and the Privatization of Security*, 11, for a discussion on social contract theory. The theory purports citizens give up their right to the private use of force (other than self-defense) in return for protection by the state. This protection usually came in the form of a military.

⁴⁷ Quoted in *The London Guardian*, 14 June 1989, 24.

⁴⁸ Briody, *Halliburton Agenda*, 185.

⁴⁹ Briody, *Halliburton Agenda*, 223. Also see Kidwell, “Public War, Private Fight,” 19.

contract expiration, the Army had little choice but to renew; it did not have the ability to turn the task over to organic military personnel.

Lastly, PMC reliability affects military operations. Nathan B. Forrest, a Confederate cavalryman, observed “War means fighting; and fighting means killing.”⁵⁰ Military commanders expect soldiers to embody the necessary character and fortitude to fight and kill. Of great concern to commanders who rely on contractors for support on the battlefield is whether they will remain on the job, for they can simply quit and go home once bullets start flying.⁵¹ This problem becomes exacerbated when multi-national PMCs, with a large majority of their workforce coming from other countries, experience issues of control due to pay, cultural, and ethnic differences within the workforce the PMC hired.⁵²

The above issues lead to a lack of transparency and accountability of executive decisions, limits to the electorate’s (and Congress’) ability to reflect critically on the ramifications of the use of PMCs, and possibly to a re-shaping of the military ethos in the public’s perspective. They also limit the ability of institutional checks from the media, non-governmental organizations, think tanks, and academia to bring attention to these actions to the public sphere.⁵³ Without robust checks and balances on the use of PMCs, critical judgments on foreign policy, potential corruptive practices, or government performance in general, is difficult for the public to know and debate. Thus the expanding use of PMCs into core military areas, or even the sole reliance on PMCs for vital military support functions, can introduce friction into effective civil-military relations.

⁵⁰ Allan R. Millet and Peter Maslowski, *For the Common Defense: A Military History of the United States of America* (New York, NY: The Free Press, 1994), 187.

⁵¹ Krahmann, *States, Citizens and the Privatization of Security*, 46-47. As of 2009, commanders have no legal obligation to enforce contractual obligations on deployed operations if PM[S]C fear for safety of employees.

⁵² McCoy, “Beyond Civil-Military Relations,” 679.

⁵³ Cottley, et al, “The Second Generation Problematic,” 47.

1.4 Implications

PMCs are not part of the military. When states hire PMCs to perform the work of war, they designate PMCs as their agents of violence.⁵⁴ Those traditionally viewed as the trusted security agents of the state, customarily their military forces, are now ensconced in a structure where the application and management of violence no longer resides under their exclusive purview. The rise of the PMCs changes this distinctiveness. As such, PMCs can affect both aspects of Feaver's *Problematique*. This introduces a nuanced view into the civil-military dialogue, and as argued here, requires an expansion in the military's institutional idea of professionalism.

Huntington described military professionalism through the characteristics of expertise, corporateness, and responsibility. Janowitz similarly used professionalism, but approached it through a sociological lens. Feaver contended that both Janowitz and Huntington defined away the problem of civilian control through their broad application of the ideal of professionalism.⁵⁵ This implied that just stating the need for a professional military does nothing more than eschew the problems of control without critically thinking through the ramifications. As the country moves forward in the wake of the wars in Afghanistan and Iraq, senior military leaders should take to heart the implications derived from issues PMCs bring to civil-military relations.

The problem is that all of the civil-military relations theory described here simply subsumes the use of PMCs. Simply mirroring the institutional model presented by Huntington, with his prescription for strict rules, norms, and procedures is ill-suited for the private sector.⁵⁶ PMCs do not fall under policies built under this institutional culture

⁵⁴ Katherine E. McCoy, "Beyond Civil-Military Relations: Reflections on Civilian Control of a Private, Multinational Workforce," *Armed Forces & Society* 36, no. 4 (2010), 674.

⁵⁵ Feaver, *Problematique*, 167.

⁵⁶ Anna Leander, "Regulating the role of private military companies in shaping security and policies," in *Mercenaries for Market*, 56-57.

because of their private nature. They can say yes or no on any given situation. For example, unlike the US military, they do not have to refrain from participating in political events or from expressing their views in public.⁵⁷ Additionally, they do not operate in the society-military-political construct familiar to Huntington devotees. Rather, PMCs internationalize military operations, involving other governments, non-state actors, and individuals.⁵⁸ Thus, to apply Huntington's model in order to control PMCs introduces many contradictions.

One of these contradictions is professionalism. An ethic of professionalism does not exist in the PMC field where long-term relations between the client and the contractor can create a consistent relationship.⁵⁹ Some of this inconsistency is due to the lack of institutional commitment by the PMCs on oversight, training, and discipline.⁶⁰ In one stark example, US reputation suffered badly after the Abu Ghraib scandal, yet while the soldiers involved fell under the UCMJ, the civilians implicated escaped any prosecution or punishment.⁶¹ Additionally, the fact that PMCs hire employees from multiple countries and cultures introduces management challenges for the PMC and can prove consequential to completing the contracted mission.⁶² Finally, the market driven nature of the industry can encumber PMCs from institutionalizing a professional culture over time. Executive Outcomes, for example, one of the first PMCs in the post-Cold War era, formed in 1989 and dissolved in 1999.⁶³ Of note, a synthesis of civil-military literature regarding the use of PMCs often recommends a construct to

⁵⁷ Leander, "Regulating the role of private military companies," 57.

⁵⁸ Leander, "Regulating the role of private military companies," 58.

⁵⁹ This does not imply long-term relationships between the government and a large contracting firm are not possible. KBR with its LOGCAP contract is one example.

⁶⁰ Lindsay P. Cohn, "It Wasn't in My Contract: Security Privatization and Civilian Control," *Armed Forces and Society* 37, no. 3 (2011), 387.

⁶¹ Allison Stanger, *One Nation under Contract: the Outsourcing of American Power and the Future of Foreign Policy* (New Haven: Yale University Press, 2009), 92.

⁶² McCoy, "Beyond Civil-Military Relations," 681.

⁶³ Singer, *Corporate Warriors*, 117.

professionalize the PMCs in the way Huntington envisioned.⁶⁴ While it has its merits, the research conducted by Feaver indicates Huntington's model did not accurately explain how civil-military relations worked during the Cold War.⁶⁵ Applying the same function to PMCs may hide the true effects of their functions in the same manner.

Finally, oversight remains a daunting civil-military implication with increased PMC use. The capacity of the state and the military to implement policies depends on effective oversight. This requires a depth of institutional mechanisms at the macro and lower-level bureaucratic structures.⁶⁶ For example, theoretical governmental control, such as Huntington's theory, represents a mechanism at the macro-level. Feaver's agency theory can provide a theoretical mechanism to measure how the day-to-day civil-military machinations work. These mechanisms support senior military leaders on creating meaningful measures of effectiveness to gauge oversight. However, the GAO consistently reports on the inability of the government to manage the enormity of the contracting footprint.⁶⁷ This threatens to skew how commanders plan for force protection and develop rules of engagement regarding contractors.

These implications present challenges to the senior military officer. The presence of PMCs requires the commander to acknowledge the possibility of not having the right functions at the right time. It puts the military in the difficult position of obeying the executive, who possibly bypassed Congress, and providing advice on the military's true capability to Congress during periodic testimony. To whom do loyalties lie? If the executive bypasses Congress to avoid public debate of its foreign policy

⁶⁴ Singer, *Corporate Warriors*, 203; Khramann, *States, Citizens, and the Privatization of Security*, 46-7; Carafano, *Private Sector, Public Wars*, 187.

⁶⁵ Feaver, *Armed Servants*, 26-27.

⁶⁶ Cottey et al, "The Second Generation Problematic," 41.

⁶⁷ John P. Hutton, Director Acquisition and Sourcing Management. *Statement before the Commission on Wartime Contracting in Iraq and Afghanistan, Contingency Contracting: Further Improvements Needed in Agency Tracking of Contractor Personnel and Contracts in Iraq and Afghanistan*, GAO report no. 10-187 (Washington DC: Government Accounting Office, November 2009).

goals, yet orders the military to work with those same contractors to accomplish the mission, how should the military respond?

Responding to the Implications

In 2003, P.W. Singer's *Corporate Warriors* provided the first comprehensive attempt to chronicle the effects of PMCs. The timing of the book was serendipitous. In the United States, the use of private companies made headlines when security firms Blackwater and Halliburton gained notoriety for the use of force and a perceived monopoly of certain functions critical to achieving US policy objectives.⁶⁸ These headline events created perceptions and fueled debate on the effects contracting levies on the national security establishment and civil-military relations.

Part of the solution may lie in the sociological concept for civilian control of the military. In the sociological tradition of civil-military relations, the focus is on what is said and done rather than where it is said and done.⁶⁹ Huntington advocated for strict rules and norms to keep the civilian and military separate. Conversely, Janowitz argued for stronger ties between the civilian and the military. He felt if the military and civilian arenas developed compatible values, the military would choose not to dominate politics.⁷⁰ The constabulary force is the classic representation of this line of thinking.

Applied to PMCs, this model could lead to better regulation by providing a method to shape PMC corporate culture. By establishing rigid vetting procedures, restricting acceptable activities, and only buying from licensed PMCs, the US could shape the PMCs to incorporate the organizational culture, values, and priorities commensurate with the

⁶⁸ See Dan Briody's *Halliburton Agenda* for the evolutionary details.

⁶⁹ Leander, "Regulating the role of private military companies," 60.

⁷⁰ Leander, "Regulating the role of private military companies," 58.

armed forces.⁷¹ In other words, states could attempt to regulate PMCs by requiring PMCs to act more analogous to regular armed forces.

However, several difficulties become readily apparent to this approach to oversight. For one, difficulties in screening such an internationally employed force and competing state interests complicate such efforts, as no worldwide database exists to screen the potential employees a PMC may hire.⁷² Loopholes already allow the Pentagon to circumvent the State Department's licensing procedures by selling services through the Foreign Military Sales program.⁷³ Additionally, PMCs show no sign of bending to such influence. They largely recruit according to their own preferences as opposed to any proscribed codes of conduct or other state guidelines.⁷⁴ Thus, while some studies offer ways to mitigate oversight difficulties through government backed contractual reforms, attempting to reform the PMC industry through sociological devices may prove too complex to blueprint.⁷⁵ When American lives and values are at stake, the level of tasks contracted to PMCs requires recognizing the uncertainties, due to lack of oversights, which are not present when soldiers perform the same tasks.

How should the military account for these issues? Ignoring the effect contractors have on the battlefield skews the view of today's military profession.⁷⁶ However, the pervasiveness of Huntington's theory on the military's view of civil-military relations makes the prospect of

⁷¹ Leander, "Regulating the role of private military companies," 61.

⁷² McCoy, "Beyond Civil-Military Relations," 680. Sub-contracting also presents an enormous challenge as most contracts address the primary employees and not those the PMC chooses to sub-contract out.

⁷³ Stanger, *One Nation Under Contract*, 91. In this example, the DOD pays the contractor for services offered to a foreign government, which then turns around and reimburses the Pentagon. The only information available to the public is the type of service the PMC exported.

⁷⁴ Leander, "Regulating the role of private military companies," 62.

⁷⁵ Laura A. Dickinson, "Contract as a tool for regulating private military companies," in *Mercenaries to Market*, 219; Leander, "Regulating the role of private military companies," 63.

⁷⁶ Carafano, *Private Sector, Public Wars*, 36.

mirror imaging its tenets on interactions with PMCs a possibility.⁷⁷ This may prove the wrong approach because, as pointed out by Leander, the institutional concepts of Huntington are ill suited to apply to PMCs.

While professionalism is important, it represents an internal control mechanism only.⁷⁸ External mechanisms will help balance the internal characteristics of professionalizing to enhance control. Utilizing contractual and legal reforms to bolster external control measures represent some examples of this concept. The military can take the next step by increasing the number of contracting officers in deployed locations to address the contractual concerns of commanders. Increased oversight by contracting officers who have the authority to deny or sever contracts, when PMCs fail to comply with military values, will threaten revenue streams of the profit-driven PMCs. Furthermore, augmenting contract officers with criminal investigative teams to handle bad actors from inadequate PMC vetting procedures can mitigate problems.⁷⁹ Certainly, any signs of professionalism by the PMC industry will profit the relationships among the PMCs, senior government leaders, and the military. It should be the goal of the US to ensure this professionalizing occurs with their inputs and not just form exclusively within the PMC industry.

⁷⁷ Feaver, "The *Problematique*". Feaver argued the military endorses much (although) not all of Huntington's theory, but many of Huntington's conclusions take a central place in the military's training on civil-military relations.

⁷⁸ Feaver, "The *Problematique*," 169.

⁷⁹ Carafano, *Private Sector, Public Wars*, 202.

1.5 Conclusion

As the US military experiences the inevitable budget cuts and force downsizing in the next decade, military advisors will serve their country and civilian leaders' interests by being informed on the challenges PMCs bring to civil-military relations. Clausewitz wrote that it is imperative "... not to take the first step without considering the last."⁸⁰ The lessons from the 1990's and the wars in Iraq and Afghanistan indicate PMCs will see increased use in the future. Using the capabilities of PMCs as a plug and play option to facilitate policy shortfalls or fill gaps in military capability ignores the implications for the government, society, and military. PMCs must play a role in the strategy, not become the strategy.

The state remains the prominent actor in force provision, despite growth of the private security industry and its increasing involvement in traditional military activities. It does this by maintaining its military, licensure of PSCs, providing the actual contracts, and enforcing regulations.⁸¹ PMCs, born of business competition, require the cooperation of the state to push their services. Conversely, they also require the race for peace to remain an eternal but unachievable quest to plump their profit margins. In other words, they need conflict to remain at a level that does not require large military forces, but just enough to fit the niche they advertise. Preventing core military tasks from becoming a major element in the market of provided services by PMCs would serve to limit future frustrations in civil-military relations.

⁸⁰ Clausewitz, *On War*, 584.

⁸¹ Molly Dunigan, *Victory For Hire: Private Security Companies' Impact On Military Effectiveness* (Stanford, CA: Stanford Security Studies, 2011), 156.

Chapter 2

Homeland Security

Safety from external danger is the most powerful director of national conduct. Even the ardent love of liberty will, after a time, give way to its dictates. To be more safe, [nations] at length become willing to run the risk of being less free.

Alexander Hamilton

*My first point is that the current problems of homeland security have nothing to do with whether or not there are Arab fundamentalist here and whether or not we are facing Islamic radicalism. It has everything to do with the maturity of technology so that **small people now have access to big weapons.***

Dr. David H. McIntyre, Director,
Integrative Center for Homeland
Security, Texas A&M University

The September 11, 2001 attacks served as a catalyst to refocus the US national security agenda, motivating the government to find an answer for why it happened and how to prevent future attacks.¹ In response, the government engineered the largest defense restructuring effort since the National Security Act of 1947 through the creation of the Department of Homeland Security (DHS) and the United States Northern Command (USNORTHCOM).² Organized to increase responsiveness to

¹ Eric Schmitt and Thom Shanker, *Counter Strike: The untold story of America's secret campaign against Al Qaeda* (New York: Times Books, 2011), 27. Also see Nadia Schadlow and Richard A. Jacquement Jr., "Winning Wars, Not Just Battles - Expanding the Military Profession to Incorporate Stability Operations" in *American Civil-Military Relations - The Soldier and the State in a New Era*, 120.

² U.S. Government Accounting Office, *Report to the Chairman, Committee on Government Affairs, US Senate, Homeland Security: Management Challenges Facing Federal Leadership*, GAO report no. 03-260 (Washington DC: Government Accounting Office, December 2002), 12-13. These represent the two largest changes. Other entities created include the Homeland Security Council, The Office of the Assistant Secretary of Defense for Homeland Defense, a new Director of National Intelligence, the National Counterterrorism Center, committees in the House and the Senate devoted to oversight and a whole host of other governmental adjustments.

catastrophic events, human or natural, these changes re-introduced discussions about the how the military role of ensuring national security can function in domestic operations.

For generations the US military met its national security role through power projection—taking the fight to the enemy.³ Unless called upon in extraordinary circumstances, such as to quell insurrections or respond to natural disasters, the military generally avoided the domestic sphere, leaving it to civilian institutions including the Federal Bureau of Investigation, Federal Emergency Management Agency, and the Bureau of Alcohol, Tobacco, and Firearms.⁴ This external-internal division of labor has been a defining characteristic of American civil-military relations.⁵

The following chapter explores the impacts of the attacks of 9/11 on the concept of homeland security and the military's role in domestic events. I examine the growth of the DHS and the institutions used to address the influence of homeland security on civil-military relations. To frame this in a perspective applicable to the civil-military realm, I provide a history of homeland security traditions in the US. Next, I look at the establishment of the DHS and the United States Northern Command (USNORTHCOM) to draw parallels to the historical context. Finally, I examine the traditional institutional checks utilized to limit the influence of military on society, namely the *Posse Comitatus* Act and the citizen-soldier ideal represented in the National Guard.

Healthy civil-military relations are critical to homeland security and homeland defense. The resources the DOD provides for homeland security often offer the last, best option to respond to events of a catastrophic nature. Understanding the distinctions of operating military

³ John, Mackinlay, *The Insurgent Archipelago* (Chichester West Sussex, NY: Columbia University Press, 2009), 7. Also see Feaver, *Armed Servants*, 17.

⁴ Karen Guttieri, "Homeland Security and US Civil-Military Relations," *Strategic Insights* 2, no. 8 (August 2003), 6.

⁵ Gutierri, "Homeland Security and US Civil-Military Relations," 3.

forces on the homeland, the cultural and legal restraints, and impacts of institutional norms remain critical for senior military and civilian leaders to direct.

2.1 Homeland Security History

Homeland security is not foreign to the United States. The framers of the US Constitution recognized the reality of war. The nation needed to establish a strong, yet restrained government—one legitimate in the eyes of its citizens as capable of protecting against enemies foreign and domestic, but also able to safeguard the rights and liberties owed to each person.⁶ As the framers worked to structure the powers of the new government, they wrestled with the prospect of how to prevent the institutions bequeathed with those powers from becoming a threat to the country itself.

The late eighteenth and nineteenth centuries, bracketed by the post-Revolutionary War period and the Spanish-American War, brought significant challenges to the young nation's security. External enemies included the British and Spanish.⁷ Internal enemies included the threat of popular rebellions and persistent uprisings by Native Americans. The first of these, the rebellion of disgruntled citizens in Massachusetts, led by Daniel Shay, highlighted the difficulties of organizing a cogent government response to insurrections.⁸ Washington's mustering of the Army put down the rebellion with a bloodless show of force, which was acceptable, if barely so, but it set a precedent for domestic military response to violent challenges to the state's authority. Less controversial at the time was the use of military force to combat indigenous peoples. Native Americans were a thorn in the government's visions of expansion,

⁶ Kohn, "The Constitution and National Security," 64.

⁷ Kohn, "The Constitution and National Security," 65-66.

⁸ Millet and Maslowski, *For the Common Defense*, 92.

representing an endemic weakness of the young government in the western frontier, and they were often brutally suppressed.⁹

Externally, the War of 1812 stemmed from American disgruntlement with the commercial and maritime policies of England, and the English desire to reclaim lost colonies. Many felt the need to fight in order to preserve the nation's sovereignty and honor.¹⁰ The greatest challenge to the nation's security, however, occurred in 1861, when a civil war threatened to break apart the young nation.¹¹ The dynamics of these challenges, to include the complexities of the Industrial Revolution, westward expansion, and international relations, furthered the need for an effective government to ensure homeland security.¹²

Homeland security took on new meaning in the twentieth century. President Wilson persuaded an isolationist American public on the need to mobilize for WWI. Following the war, Congress continued the tradition of drawing down the military due to a diminished threat. The Japanese attack on December 7, 1941 obliterated the American psyche of oceanic protection, galvanizing the nation into a war machine limited only by imagination. After WWII, US leaders realized they could no longer dismantle the military during peacetime due to the threat of Soviet Union and nuclear weapons. Furthermore, the atomic blasts in Hiroshima and Nagasaki foreshadowed the looming Cold War and threats of a nuclear exchange between the two superpowers. More so than any other time in US history, one of the chief threats to the state the Founding Fathers feared, a large standing army, became a requirement.¹³

⁹ Millet and Maslowski, *For the Common Defense*, 92, 252-257. This would also lead to the Indian campaigns from 1866-1890.

¹⁰ Millet and Maslowski, *For the Common Defense*, 106. See also Walter R. Borneman, *1812: The war that forged a nation* (NY: HarperCollins Publishers, 2004).

¹¹ Michael W. Ritz, Ralph G. Hensley, Jr., and James C. Whitmore, "The Homeland Security Papers: Stemming the Tide of Terror," USAF Counterproliferation Center, http://www.au.af.mil/au/awc/awcgate/cpc-pubs/hls_papers/index.htm (accessed 14 March 2012), 1.

¹² Ritz, Hensley, and Whitmore, "Homeland Security Papers," 1.

¹³ Kohn, "The Constitution and National Security," 81-83.

Post-Cold War – a decade of confusion

The above, albeit brief, history of homeland security reflects the established tradition of the US military to fulfill its national security role by taking the fight overseas and, ostensibly, leaving domestic order to civilian institutions. In this sense, the overseas mindset and domestic security traditions mutually support one another in US thinking.¹⁴ Part of Huntington's theory relied on this tradition, represented by the external threat of the Soviet Union keeping the focus of the military outward.¹⁵ According to Huntington's theory, this served to keep the societal imperative, one fearful of a strong military focusing its power inward, in check.

The end of the Cold War and the dominating victory in the 1991 Gulf War, however, caused civil-military relations experts to revisit the use of the military for non-traditional roles. The US military, riding high from its Gulf War victory, questioned the decision of civilian leaders to use the military for non-combat roles, invigorating a new wave of literature in civil-military relations.¹⁶ Nonetheless, the die had been cast. Operations in Bosnia, Haiti, Kosovo, and Somalia introduced the need for a broad set of capabilities and new thinking in the military. Coined military operations other than war, or MOOTW, the concept involved the use of the military for non-traditional missions. These missions became synonymous with the term coercive diplomacy.¹⁷

The military's size and capability proved a tempting and controversial solution to these smaller conflicts. Secretary of State Madeline Albright famously said to then Chairman of the Joint Chiefs of Staff, General Colin Powell, "What's the point of having this superb

¹⁴ Mackinlay, *The Insurgent Archipelago*, 7.

¹⁵ Feaver, *Armed Servants*, 17.

¹⁶ Dains, "Lasswell's Garrison State Reconsidered," 43.

¹⁷ Dag Henriksen, *NATO's Gamble: Combining Diplomacy and Airpower in the Kosovo Crisis, 1998-1999* (Washington, D.C.: Naval Institute Press, 2007), 189-190.

military that you're always talking about if we can't use it?"¹⁸ The senior military leaders at the time, many of them Vietnam veterans, fought to inform the civilian leaders on the importance of linking military capabilities to clear political objectives.¹⁹ These capabilities of the military, the senior leaders asserted, derive from enduring stipulations to meet alliance obligations, dealing with possible conventional opponents, and mitigating threats for major theater conflicts against another nation state.²⁰ The military's preparation and preference for conventional combat missions conflicted with the emerging national security environment in the post-Cold War decade.²¹ However, as will be seen in chapter three, the military learned to accept those missions and in the process expanded its influence.

As the twentieth century ended, the US military was in transition. MOOTW seemed no longer in vogue, but the idea of using the military for non-traditional missions did not subside. The newly elected George W. Bush administration sought to revolutionize the military and size it appropriately to meet national security mandates. Secretary Rumsfeld was adamant about re-shaping the military away from the Cold War paradigm. As with any attempt at a major restructuring, it would take a catastrophic event to motivate the military, Congress, and the President to initiate reforms.

2.2 The twenty-first century and homeland security

The establishment of the DHS occurred during a time of national crisis. The 9/11 attacks proved a powerful motivator to initiate sweeping government reforms to ensure the safety of the nation's citizens. To put these changes into perspective, President Truman signed the last

¹⁸ Quoted in Dag Henriksen, *NATO's Gamble*, 78.

¹⁹ Henriksen, *NATO'S Gamble*, 79.

²⁰ David Kilcullen, *The Accidental Guerrilla – Fighting Small Wars in the Midst of a Big One* (New York: Oxford University Press, 2009), 27.

²¹ Schadow and Jacquement Jr., "Winning Wars, Not Just Battles," in *Soldier and the State in a New Era*, 119.

comparable act of reorganization, the National Security Act on July 26, 1947, almost two years following the conclusion of WWII hostilities.²² In a shorter time span, the Homeland Security Act of 2002 came into law. Figure 2 shows the aggressive timeline of government actions from September 11, 2001 until November 2, 2002, the day Congress passed the Homeland Security Act.²³ President Bush signed the Act into law on November 25, 2002.²⁴

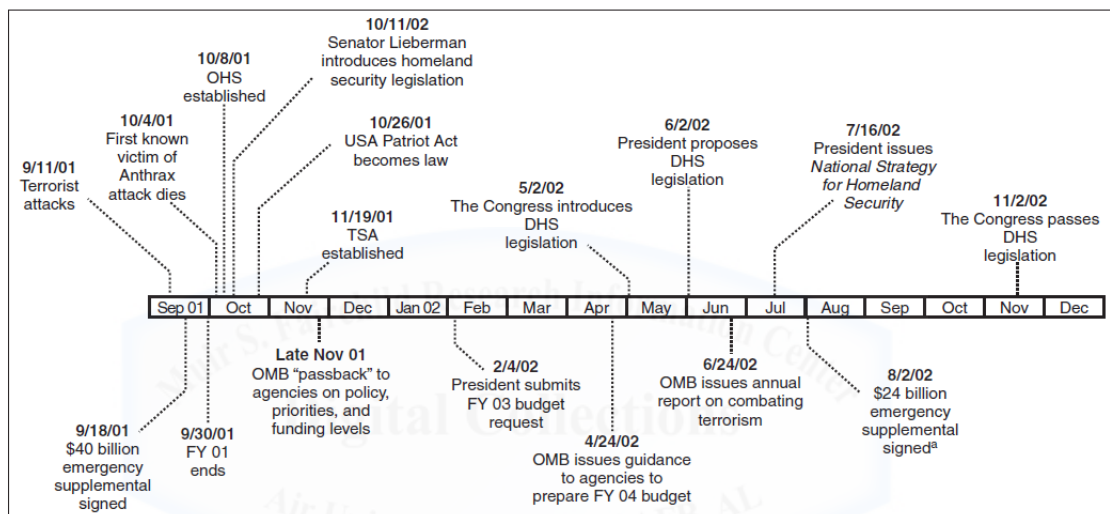


Figure 2: Key Events Occurring after the September 11 Terrorist Attacks

Source: U.S. Government Accounting Office, Report to the Chairman, Committee on Government Affairs, US Senate, Homeland Security: Management Challenges Facing Federal Leadership, GAO report no. 03-260 (Washington DC: Government Accounting Office, December 2002), 10.

The Act combined and organized under one cabinet position twenty-two disparate agencies, affecting more than 170,000 employees from the Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Justice, Transportation, and Treasury,

²² Office of the Clerk of the U.S. House of Representatives, Historical Highlights, online: <http://artandhistory.house.gov/highlights.aspx?action=view&intID=176> (accessed 24 February 2012).

²³ GAO report no. 03-260, *Management Challenges Facing Federal Leadership*, 10.

²⁴ Wendy Haynes, "Seeing around Corners: Crafting the New Department of Homeland Security1." *Review of Policy Research* 21, no. 3 (2004), 369.

among others.²⁵ This proved a monumental task as each agency brought existing issues and organizational challenges to the new department mosaic.²⁶ Beyond DHS, and across the federal government, two dozen federal agencies and the military provided essential support functions for various homeland security scenarios.²⁷ Amended 30 times since its original passage, the law has continued to adjust to homeland security requirements.²⁸

Established to command active duty forces inside the territorial limits of the US, President Bush authorized creation of the United States Northern Command (USNORTHCOM, effective 1 October 2002) as part of a revised Unified Command Plan (UCP). The command's area of responsibility covers North America, Central America, portions of the Caribbean, and the contiguous waters in the Atlantic and Pacific Oceans out to 500 miles. The command's staff plans for contingency scenarios, identifies gaps in the nation's defense, and coordinates with the interagency for various domestic response scenarios. USNORTHCOM's specific mission is "to conduct homeland defense, civil support and security cooperation to defend and secure the United States and its interests."²⁹

Congress had wrestled with questions of homeland defense in the late 1990's, but could not make sufficient progress. The 9/11 attacks provided the catalyst for the creation of USNORTHCOM and addressed

²⁵ Daniel B. Prieto, "The Limits and Prospects of Military Analogies for Homeland Security: Goldwater Nichols and Netcentric Warfare" in Bert B. Tussing, ed., *Threats at our Threshold - Homeland Defense and Homeland Security in the New Century* (Carlisle, PA: Army War College, 2008), 89, <https://www.hsdl.org/?view&did=236353>.

²⁶ Haynes, "Crafting the New Department of Homeland Security," 369. Some of these included human capital, information technology, management challenges, and financial vulnerabilities.

²⁷ GAO report no. 03-260, *Management Challenges Facing Federal Leadership*, 19.

²⁸ Department of Homeland Security, "Homeland Security Act of 2002," http://www.dhs.gov/xabout/laws/law_regulation_rule_0011.shtm (accessed 24 February 2012).

²⁹ United States Northern Command, "About U.S. Northern Command," <http://www.northcom.mil/About/index.html> (accessed 25 February 2012).

stagnant missions geared toward the Cold War threat.³⁰ For example, in 2001 the North American Aerospace Defense Command (NORAD) and Strategic Air Command (SAC) still executed national defense and response missions based on Cold War scenarios.³¹ This structure did not adequately address the emerging threats of the twenty-first century. After 9/11, homeland defense changed from meeting threats on foreign battlefields to include increased focus on the defense of the continental US through air, sea, and land missions.³² Terrorists saw the US as the battlefield, so US leaders felt justified in the creation of a combatant command designated to command and coordinate the response of active duty forces *in the homeland*.³³

Echoing Alexander Hamilton, the violent destruction of life and property on that fateful date in September, empowered the nation's elected leaders to introduce a continuing stream of legislation in order to establish institutions and regimes at the federal level to address homeland security. Similarly, after the attacks on Pearl Harbor, the nation instituted a number of initiatives designed to protect and defend against another Japanese attack.³⁴ During the Cold War, the civil-defense program offered protocols to protect citizens from nuclear attack.³⁵ Today, the DHS's primary mission is a notably broad mandate to "secure the nation from the many threats we face."³⁶ Laws such as the USA PATRIOT Act and institutions like the USNORTHCOM instilled national

³⁰ Cynthia Watson, *Combatant Commands: Origins, Structure, and Engagements* (Santa Barbara, CA: Praeger, 2011), 150.

³¹ Watson, *Combatant Command*, 150. For a history of the robust responses of SAC see L. Douglas Keeney, *15 Minutes: General Curtis LeMay and the Countdown to Nuclear Annihilation* (New York: St. Martin's Press, 2011).

³² Jim Garamone, "Northern Command to Assume Defense Duties Oct. 1," *American Forces Press Service*, 25 September 2002, <http://www.defense.gov/News/NewsArticle.aspx?ID=43419> (accessed 19 March 2012).

³³ Paul McHale, "Homeland Defense – Looking Back, Looking Forward" (lecture, Heritage Foundation, Washington DC, 14 July 2006).

³⁴ John Morton Blum, *V Was For Victory – Politics and American Culture During World War II* (New York: Houghton Mifflin Harcourt, 1976), 155-167, 224-225.

³⁵ Millet and Maslowski, *For the Common Defense*, 557.

³⁶ Department of Homeland Security, "About," <http://www.dhs.gov/xabout/>.

security regimes that before 9/11 received little attention.³⁷ Two long-standing traditions established prior to the twentieth century remain powerfully relevant today for the conduct of military personnel in the homeland, the tradition of the military not acting as an augment to a police force and the role of the citizen-soldier. The *Posse Comitatus* Act of 1878 and the National Guard address those two traditions.

2.3 The Posse Comitatus Act

Originally passed in 1878, The *Posse Comitatus* Act (PCA) famously limits the power of the federal government to use the military domestically. According to the Cornell University Law School, “Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a *posse comitatus* or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.”³⁸ Of note, the PCA does not constitute a bar to the use of the military domestically. Rather, it ensures authorization only occurs at the highest levels of constitutional authority—Congress and the President.³⁹ Thus, the long-standing fear of the military’s use for domestic disturbances is mollified, as it generally receives high scrutiny if the federal government uses the military internally.⁴⁰

Prior to the PCA, however, the use of military personnel to serve as a *posse comitatus* in numerous and varied disorders occurred

³⁷ Department of Justice, “Highlights of the USA PATRIOT Act,” <http://www.justice.gov/archive/ll/highlights.htm> (accessed 3 March 2012). The Act’s name stands for: Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism.

³⁸ Cornell University Law School, “Use of Army and Air Force as Posse Comitatus,” <http://www.law.cornell.edu/uscode/text/18/1385> (accessed 3 March 2012). The act was amended in 1956 to include the Air Force.

³⁹ Owens, *US Civil-Military Relations After 9/11*, 103.

⁴⁰ Colonel Richard Chavez and Bert B. Tussing, “DOD – Not The Department of Disaster” in *Threats at our Threshold*, 36.

frequently during the Reconstruction period following the Civil War.⁴¹ State governors relied upon the Army to solve the problems of control, finding it easy to call upon an organized military force. Facility notwithstanding, problems with the chain of command, abuse of authority by the governors, and concerns of making the Army an armed police entity led Congress to pass the Act in 1878.⁴²

A few exceptions to the PCA do exist. The PCA generally prohibits the use of federal troops to engage in a domestic law enforcement capacity. One notable exception is the Insurrection Act, which allows the President to utilize federal troops to restore order in the event of an insurrection.⁴³ Rarely invoked, George H.W. Bush was the last Commander-in-Chief to invoke the Act in response to the Los Angeles Riots in 1992.⁴⁴

To facilitate effective response for natural disasters, the Stafford Act provides another basis for federal intervention in state operations. While not an exception to the PCA, the Stafford Act does allow the President to direct federal agencies to aid a state's response to natural disasters.⁴⁵ The Stafford Act does not permit the use of federal troops as law enforcement. However, should civil unrest develop, the governor could request support through the provisions of the Insurrection Act.⁴⁶

⁴¹ Jerry M. Cooper, "Federal Military Intervention," in *The United States Military under the Constitution*, 133-134.

⁴² Cooper, "Federal Military Intervention," 134-135.

⁴³ Cornell University Law School, "Federal Aid for State Governments," <http://www.law.cornell.edu/uscode/text/10/331> (accessed 3 March 2012). This can occur by the request of a sitting governor, or in the absence of a state legislative body, by the President alone.

⁴⁴ Major Daniel J. Sennott, "How the Posse Comitatus Act Restricts Department of Defense Information Sharing," (Fort Leavenworth, KS: U.S. Army Command and General Staff College, 2011), 29.

⁴⁵ Federal Emergency Management Agency, "Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended," <http://www.fema.gov/about/stafact.shtm> (accessed 4 March 2012).

⁴⁶ Maj Daniel J. Sennott, "Interpreting Recent Changes to the Standing Rules for the Use of Force." *Army Lawyer*, no. 414 (2007), 65.

2.4 The National Guard

The citizen-soldier symbolizes a time-honored tradition in America.⁴⁷ Providing the nation with a large resource of human capital for little cost, today's National Guard evolved from a series of acts throughout the first part of the twentieth century. Responding to the relative unpreparedness of the militias in the Spanish-American War, the Militia Acts of 1903 and 1908 sought to address the disparate manner states prepared militias.⁴⁸ Also known as the Dick Acts, the legislation brought the militias under the same standards as the regular Army, removed geographic restraints on the employment of the Guard, and required Guardsmen to deploy as units, not individuals.⁴⁹ The Acts also established a division within the War Department, which eventually became the National Guard Bureau through the National Defense Act of 1916.⁵⁰ Essentially, the states received federal monies to organize and train in conformity with Army regulations. The essence of these reforms tied the militia to the regular army to facilitate standardization.

Three additional pieces of legislation shaped the National Guard, establishing the historical precedence of a useful, flexible force during war and peace. The aforementioned NDA of 1916 represented a watershed moment in National Guard History.⁵¹ The Act designated the National Guard as the Army's primary reserve force and abolished the state militia construct.⁵² Second, the NDA of 1920 designated the National Guard and Regular Army as the first line defenses for the

⁴⁷ For a detailed account of the evolution of the militia during the Revolutionary War and the drafting of the Constitution, see Allan R. Millet, "The Constitution and the Citizen Soldier," in *The United States Military Under the Constitution*.

⁴⁸ MAJ Leland D. Blanchard II, "The National Guard and Homeland Security: What Role(s) Should the Guard Have?" (Fort Leavenworth, KS: Army Command and General Staff College, 2009), 30-31.

⁴⁹ Michael Doubler, "A militia nation comes of age," *National Guard* 53, no. 9 (1999), 82.

⁵⁰ Blanchard, "The National Guard and Homeland Security," 31.

⁵¹ Doubler, "A militia nations comes of age," 82.

⁵² William M. Donnelly, "The Roots of Reform and the National Guard," <http://www.history.army.mil/documents/1901/Root-NG.htm> (accessed 19 March 2012).

nation.⁵³ Third, the Mobilization Act of 1933 determined National Guard soldiers, when federalized, were considered the same as regular Army soldiers.⁵⁴ These acts provided the Guard somewhat favorable status during peace and war. As Huntington noted, the Guard's state mission protects it from federal control during peacetime and its reserve status guarantees a prominent role during wartime.⁵⁵

This prominence was reflected in operations in Afghanistan and Iraq where the National Guard experienced the highest level of deployments since WWII.⁵⁶ Over the last decade, the GAO issued several reports indicating the DOD's reliance on the approximately 1.2 million reserve component members supporting the operations.⁵⁷ Additionally, the Guard has remained a critical entity for response to natural disasters and other homeland security missions.⁵⁸ The dual status of the Guard, while providing an attractive option to both the state and the nation, also make it a high demand asset. When Hurricane Katrina roared ashore on the Gulf Coast in August 2005, representing the first major catastrophe since the establishment of the DHS, questions about heavy Guard usage came to the forefront and led to discussions about the future role of the Guard in the DOD and the DHS.

2.4 Title 10, Title 32, or ?

Many in the media questioned the increased employment of the Guard in overseas operations, highlighting (in lieu of DOD and Guard

⁵³ Blanchard, "The National Guard and Homeland Security," 33.

⁵⁴ Blanchard, "The National Guard and Homeland Security," 34. The Mobilization Act also defined the difference between state and federal service, giving the legal authority to the President to send National Guardsmen overseas.

⁵⁵ Huntington, *Soldier and State*, 173; Furthermore, USC Title 32 provides stipulations for States use of National Guard, USC Title 10 for the federalized (or active duty) forces.

⁵⁶ Janet A. St. Laurent, Director Defense Capabilities & Management, *Testimony Before the Committee on Government Reform, House of Representatives: Observations on Recent National Guard Use in Overseas and Homeland Missions and Future Challenges*, GAO report no. 04-670T (Washington DC: Government Accounting Office, April 2004), 1.

⁵⁷ For a list of these GAO reports see the bibliography. The reserve component includes the National Guard and the Reserves.

⁵⁸ St. Laurent, *Observations on Recent National Guard Use*, 5. Other missions include border control, infrastructure protection, combat air patrols, and WMD response.

denials) the shortage of Guard personnel available to respond to Katrina.⁵⁹ What became clear to many in government was that the military represented an extremely effective, organized, and powerful mechanism for Katrina-type scenarios.⁶⁰ Instead, questions about the DHS's ability to coordinate the necessary agencies to respond effectively came under scrutiny.⁶¹

The DOD's rather efficient response to Katrina served to stir discussion on the future role of the National Guard within the DHS. If the Guard's role included duty on the home front *and* overseas, could the government guarantee its availability in time of need for both missions? Who will provide the requisite command and control of the forces in a domestic response? How can the Guard perform an increasingly complex homeland security and defense mission with personnel and equipment structured for overseas contingencies? These types of issues drove discussions on whether the Guard's primary mission should switch to Homeland Security and relegate its active duty role to secondary status.⁶² The case for this switch is persuasive.

First, by law and tradition, the National Guard serves to connect local communities to the federal government.⁶³ For response to catastrophes in the homeland, this proves beneficial. One example of this connection is the fact many Guard members already work as first responders in the communities they serve. This strengthens the overall

⁵⁹ Amy Belasco, Steve Bowman, and Lawrence Kapp, *Hurricane Katrina: DOD Disaster Response*, (Washington DC: Congressional Research Service, September 2005), 14.

⁶⁰ Paul Stockton, "DOD and the Problem of Mega-Catastrophes," in *Threats at Our Threshold*, 26.

⁶¹ Belasco, Bowman, Kapp, *Katrina: DOD Disaster Response*, summary page.

⁶² Jack Spencer and Larry Wortzel, Ph.D., "The Role of the National Guard in Homeland Security," *The Heritage Foundation*, 8 April 2002, <http://www.heritage.org/research/reports/2002/04/the-role-of-the-national-guard-in-homeland-security> (accessed 25 February 2012).

⁶³ National Guard Bureau online: <http://www.nationalguard.mil/default.aspx> (accessed 25 February 2012).

response efforts, as the Guard members are familiar with the locality.⁶⁴ Recognizing this strength, the National Response Framework designated the Guard as the DOD's first responders to catastrophes such as Hurricane Katrina.⁶⁵

Second, the attacks on 9/11 painfully highlighted to the Pentagon a lack of a unified plan to coordinate federal forces for domestic disasters. In response, the Pentagon established a combatant command to oversee military operations over the continental US. While a crucial first step, it did not seek input from institutions with expertise on operating in the homeland such as the National Guard Bureau, state governors, or other emergency response institutions.⁶⁶ When the majority of the forces utilized to respond to Katrina were Guard members, this represented a significant oversight on the Pentagon's behalf, reflecting the historic tendency to shy away from planning to use military forces in the homeland.

Third, studies indicate the federalization of the Guard under Title 10 diminishes Guard members' ability to work with local law enforcement officials, citing effectiveness dropping to 80-90%.⁶⁷ Part of this inefficiency stemmed from legal restrictions, such as the *Posse Comitatus* Act discussed earlier, and the tendency of the military culture to focus overseas. Another part simply derives from the fact that conventional war training, stipulated by DOD, requires a different mindset, one that complicates integration with local responders.⁶⁸

Breaking the federal mandate to train to Army standards and designating distinct Homeland Security requirements would provide a

⁶⁴ CDR Francis Doris, "DOD's Role in Homeland Defense and Homeland Security," (Norfolk VA: Joint Forces Staff College/Joint Warfighting School, 2006), 30.

⁶⁵ McHale, "Homeland Defense – Looking Back, Looking Forward," lecture. The guard represented 70% of the military forces responding to Hurricane Katrina.

⁶⁶ Lt Col Jeffrey W. Burkett, "Command and Control of Military Forces in the Homeland," (Maxwell AFB, AL: Air War College, 2008), 6.

⁶⁷ Doris, "DOD's Role in Homeland Defense and Homeland Security," 30-31.

⁶⁸ Risa A. Brooks, "The Military and Homeland Security," *Policy & Management Review* 2, no. 2 (2002), 133.

cohesive force ready, trained, and equipped for homeland missions. The longer the current conflicts continue, requiring sustained usage of reserve components, the longer the development of robust capability for the homeland will suffer. More involvement of the Guard (in non-federalized status as defined today) could alleviate command and control issues, equipment familiarity problems, and other integration scenarios during events approaching the level of Katrina or higher.

However, having the National Guard focus on homeland duties first and DOD duties second, requires a significant departure from established institutional norms. Since Vietnam, the continued maintenance of a fully functioning reserve component has been critical to keeping the citizenry involved in decisions for war.⁶⁹ As the active-duty military represents a much smaller percent of the national population than in past decades and tends to receive recruits from narrower geographic areas, the continued use of the National Guard serves to keep portions of the military connected to society.⁷⁰

Change is also expensive, in time and money. Historically, the reserve components in their current construct do not work best as the nation's first line of defense. They arrive too slowly to be anywhere as useful as are civilian emergency response personnel.⁷¹ Fiscally, the DOD would need to increase the active duty component to account for the loss of the Guard members in order to meet worldwide commitments. Replacing even 100,000 reservists with active troops could add \$10 billion or more to the budget.⁷²

Finally, granting the military an increased domestic role departs from long-standing American civil-military tradition, a tradition in which US citizens enjoy the privilege of a free and open society opposed to

⁶⁹ Michael d'Arcy, *Protecting the Homeland, 2006/2007* (Washington, DC: Brookings Institution Press, 2006), 117.

⁷⁰ Peter D. Feaver and Richard H. Kohn, eds., *Soldiers and Civilians: the Civil-Military Gap and American National Security* (Cambridge, MA: The MIT Press, 2001), 323.

⁷¹ Spencer and Wortzel, "Role of National Guard in Homeland Security."

⁷² D'Arcy, *Protecting the Homeland*, 117.

militaristic tendencies.⁷³ Thus, the government must treat the use of the military in domestic affairs with the utmost respect.⁷⁴

2.5 Implications

The American people expect their military to respond to any national disaster, man-made or natural. And nobody in crisis cares who they are or what branch they represent. No one clinging to a rooftop in New Orleans' Lower Ninth Ward questioned the Title 32 or Title 10 status of their rescuers...the only "patches" they will care about are those that bind their wounds. This is the immediate reality of disaster.

John L. Conway III

Strangers in a Strange Land: The Federalist Papers, the Air National Guard and Homeland Defense

The terrorist attacks of 9/11, Hurricane Katrina, and other events such as the shoe bomber and Anthrax incidents, have fueled discussions to modify the *Posse Comitatus* Act and increase the use of active duty forces in domestic responses.⁷⁵ However, because the National Guard does not fall under the PCA while in Title 32 status, it remains the favored choice for disaster response.⁷⁶ This disparity created headaches during the response to Hurricane Katrina. Title 32 forces did not communicate well with Title 10 forces, hindering effectiveness in many areas. One of the positive recommendations following Katrina was to authorize the ability of a dual-hat commander for emergency response.

⁷³ Brooks, "The Military and Homeland Security," 133.

⁷⁴ James Gillmore, "Foreword to Chapter Three," in *Threats at our Threshold*, 114.

⁷⁵ Col Richard Chavez and Bert Tussing, "DOD – Not the Department of Disaster," in *Threats at our Threshold*, 36.

⁷⁶ Christine E. Wortmuth, et al, *The Future of the National Guard and Reserves, The Beyond Goldwater-Nichols Phase III report*, (Washington DC: Center for Strategic and International Studies, July 2006), xvii. Since the Coast Guard by definition is a law enforcement agency, it is also exempt from *Posse Comitatus* under Title 14 US Code. See Bonnie Baker, Jennifer Elsea, and Charles Doyle, *The Posse Comitatus Act and Related Matters: Current Issues and Background* (Hauppauge, NY: Nova Science Pub Inc, 2004), 5-6.

The overall commander could retain Title 32 and Title 10 authorities, providing the necessary coordination capability.⁷⁷

Continued high usage of the Guard for overseas and DHS missions complicates both of the Guard's dual missions. Members receive less time to train on one mission or the other. Demand for Guard equipment for homeland defense missions, such as combat air patrols, cuts down on the availability of those assets to train for overseas contingency missions.⁷⁸ With diverse homeland security requirements, the Guard must create a completely new set of measures of performance to conduct training.⁷⁹ This takes time and effort. In 2004, the GAO stated the DOD had yet to build into its training requirements specific mission sets for the Guard for its use in Homeland Security missions.⁸⁰ As of 2011, many of these still remain.⁸¹ Complicating it further, much of the funding given to the DHS requires it go to first responders, making the Guard ineligible for funds to address DOD training shortfalls.⁸² Budget allocation shortages for either the DHS or NORTHCOM will likely pit the two agencies against each other, with the Guard and active duty caught in the middle.

2.6 Conclusion

After the end of the Cold War, the downsizing of the US military did not balance with the national security needs of US foreign policy. As described in chapter one, this led to an increase in the use of PMCs to fill the gap. The reserve component also saw an increased usage as the

⁷⁷ Burkett, "Command and Control of Military Forces in the Homeland," 40. For detailed descriptions of Title 10 and Title 32 duty statuses, see Blanchard, "National Guard and Homeland Security," Appendix B.

⁷⁸ St. Laurent, GAO Report 04-670T, *Observations on Recent National Guard Use*, 14.

⁷⁹ St. Laurent, GAO Report 04-670T, *Observations on Recent National Guard Use*, 15.

⁸⁰ St. Laurent, GAO Report 04-670T, *Observations on Recent National Guard Use*, 14.

⁸¹ U.S. Government Accounting Office, *Report to Congressional Requestors: Homeland Defense and Weapons of Mass Destruction--Additional Steps Could Enhance the Effectiveness of the National Guard's Life-Saving Response Forces*, GAO report no. 12-114 (Washington DC: Government Accounting Office, December 2011), 2-3.

⁸² St. Laurent, GAO Report 04-670T, *Observations on Recent National Guard Use*, 18.

active military was divested elsewhere. With the expected cutbacks following the end of the conflicts in Afghanistan and Iraq, it may foretell the civil-military tensions that occurred after the end of the Cold War.

Terrorism has plagued humankind in one form or another over the course of history. For the United States in the 1990s, complacency replaced the vigilance familiar during the Cold War. The wake-up call on 9/11 and the demand for homeland security options invigorated policymakers to reflect on an increased use of the military in domestic scenarios. The balance of the federal application of power in a federalist union, even in support to state and local governments in times of crisis, must always remain in the forefront of policy decisions, whether that support is extended from a civil entity or a uniformed contingent. No longer does it require tremendous resources to travel the world, to breach the natural barriers protecting America. Even more pronounced, non-state entities proved, with resounding effect on 9/11, the ability to inflict tremendous damage with very limited resource.

Chapter 3

The Combatant Commander

The dirty little secret of American civil-military relations, by no means unique to this [the Clinton] administration is that the commander in chief does not command the military establishment; he cajoles it, negotiates with it, and, as necessary, appeases it.

Andrew Bacevich

For the US military, the nature of the post-Cold War proved pivotal. One effect was the increased use of private military companies for duties ranging from non-combat logistical roles to security roles that encroached on traditional military duties. In addition, the concept of military engagement changed from fighting large state-on-state conflict to engagements emphasizing peacekeeping, nation-building, and increased expectations for duties in the homeland.

A third concern for civil-military relations is the increasing involvement of the military in the shaping and forming of policy. While this may prove inevitable in wars of such magnitude as the two World Wars, when it occurs in peacetime it could become problematic. One effect of the post-Cold War environment was a slow, but incremental, expansion of the military into diplomatic and political roles by, with, and through the combatant commander.¹ This chapter examines how this expansion continued after 9/11. I start with a nod to history to understand how the combatant commander evolved to its current form. Next, I examine the post-Cold War years, a formative period for the Combatant Commander in its current form today. Finally, I provide some implications on future civil-military relations. While these implications do

¹ Dana Priest, "A Four-Star Foreign Policy?," *Washington Post*, 28 September 2000, A01.

not comprise an all-inclusive list, they do touch on the concerns mentioned by Douglas Bland in the introduction.

3.1 History of the Combatant Commander

The history of the Combatant Commander (CCDR) is one filled with ardent service rivalries, an acquiescent Congress, power struggles between the executive and the military branches, and outright military operational failures.² The formative period, primarily prior to 1986, delivers a ready-made Hollywood script, providing strong personalities, organizational influence, and a change-resistant military culture. The first six presidential administrations after WWII attempted to legislate solutions to stem the monolithic power held by the independent service chiefs, all too often falling short. The CCDR finally came of age in Operation Desert Storm, legitimizing the power of joint operations commanded by a single officer.

Interwoven in this story is the evolution of the unified concept of command. Tracing back to WWII, the concept postulated a single commander exercising command over all assigned units assigned, regardless of service branch.³ To address the multi-theater, global war, British Prime Minister Winston Churchill and President Franklin D. Roosevelt agreed to establish a Combined Chiefs of Staff as a planning body for the British-US effort.⁴ The US, not having a counterpart to interact with the new staff, formed the Joint Chiefs of Staff to represent President Roosevelt's mechanism for wartime policy and requirements.⁵

² The concept of the unified commander traces back to WWII. President Truman, when he signed the first Unified Command Plan in 1946. Service rivalries before and after the National Security Act of 1947, the wars in Korea and Vietnam, and the fiascos with the USS Pueblo and at Desert One culminated with Congress passing the Goldwater-Nichols Act of 1986. This established, among other necessary changes, the combatant commander as known today.

³ Ronald H. Cole et al., *History of the Unified Command Plan 1946-1999*, (Washington, DC: Joint History Office, 2003), 11. The Supreme Headquarters Allied Expeditionary Force, commanded by General Eisenhower, is one example.

⁴ Watson, *Combatant Commands*, 11.

⁵ Watson, *Combatant Commands*, 12.

Of note, Roosevelt did not create a complementary civilian organization, allowing the JCS to fill the president's military, diplomatic, political, and intelligence staffing needs.⁶

The enormous wartime role of the JCS proved troublesome for post-war unification efforts, constraining efforts to create a true unified command. In 1945 Admiral Leahy, the JCS Chief, observed, "the Joint Chiefs of Staff at the present time are under no civilian control whatever."⁷ The service chiefs, while accepting of the unified concept at face value, wanted to preserve their strong wartime positions in the post-war peace.⁸ A compromise created a system of unified command, called the Outline Command Plan, for US forces under Joint Chiefs of Staff (JCS) control. Expressing a temporary sentiment, President Truman authorized the first UCP in December 1946, stating it represented an "interim measure for the immediate post-war period."⁹ What he could not foresee was a brawl over roles and missions among the service chiefs that continued for the next 40 years. Several presidents and Congress intervened over that period with legislative initiatives to return the civil-military balance in the civilians' favor, while at the same time ensuring the military remained effective.

⁶ Locher, *Victory on the Potomac*, 20.

⁷ Quoted in Locher, *Victory on the Potomac*, 22.

⁸ Of note, service disagreements over assets and command assignment of mission and forces between General MacArthur and Admiral Nimitz in the Pacific theater during WWII, carried over into the debates on how to structure the UCP. The Navy desired unity of command around geographic lines, the Army and Air Forces desired one on a basis of mission and forces. See Watson, *Combatant Commands*, 12; Cole et al, *History of Unified Command Plan*, 11.

⁹ Cole, et al, *History of Unified Command Plan*, 11-12.

Four Decades Reform Attempts

More commonly recognized for establishing the US Air Force, the Central Intelligence Agency (CIA), and the Secretary of Defense, the National Security Act (NSA) of 1947 also established the Unified Combatant Command (UCC) system.¹⁰ Based on the Outline Command Plan configuration signed by President Truman in 1946, the act sought to take advantage of the utility unified commands brought in WWII. However, the commands were unified in name only. The NSA of 1947 did not diminish the service chief's power, forcing the newly established Secretary of Defense to rely on JCS cooperation; a process, which WWII proved, provided advice of the lowest common denominator because decisions required unanimous agreement.¹¹ In an effort to address the shortfalls of the NSA of 1947, Congress amended the Act in 1949. This amendment established the Chairman of the Joint Chiefs and expanded the defense secretary's powers, but did not include proposals to designate the new chairman as principal military advisor.¹²

President Eisenhower also recognized the power of the service chiefs and the government's failure to address it. In 1953, he placed the service secretaries in the operational chain of command to increase civilian control of the military.¹³ In 1958, seeking to end the practice of employing combat forces through the air, land, and sea stovepipes, Eisenhower initiated reform culminating in the Defense Reorganization Act of 1958. While the act gave the unified commanders full operational control of assigned forces and removed the individual departments from the chain of command, the services never complied with the Act's statutes.¹⁴

¹⁰ Watson, *Combatant Commands*, 13.

¹¹ Locher, *Victory on the Potomac*, 20.

¹² Locher, *Victory on the Potomac*, 27.

¹³ Cole et al, *History of the Unified Command Plan*, 21.

¹⁴ Locher, *Victory on the Potomac*, 28; Andrew Feickert, *The Unified Command Plan and Combatant Commands: Background Issues for Congress*, (Washington DC: Congressional Research Service, November 2011), 5.

The next four administrations experienced firsthand the dismal quality of military advice—advice geared towards the service providing it. President Kennedy commissioned a committee chaired by Senator Stuart Symington to correct the services' excessive roles, but would ultimately rely on Defense Secretary Robert McNamara's promises to fix Pentagon problems.¹⁵ President Johnson chose to lie, criticize, schmooze, or entirely bypass the JCS to push through policies in Vietnam.¹⁶ President Nixon appointed a Blue Ribbon Defense Panel highlighting many of the same issues as Symington's panel, but was only able to adopt three inconsequential recommendations due to resistance by the service chiefs.¹⁷ President Carter's efforts to reorganize defense to create rapid deployable forces fell short due to his weak political standing on military matters.¹⁸ All told, defense reform efforts over a period of 30 years failed to address the inherent weakness of the combatant commander and the unified command concept: control by the individual services. The frustrations accumulated and reached a boiling point in the 1980's. The turmoil led to a watershed piece of legislation, the Goldwater-Nichols Act of 1986.

Goldwater-Nichols DOD Reorganization Act of 1986

The Goldwater-Nichols Act established the modern concept of the Combatant Commander. Congress had its fill on the military's lip service to the concept of unified command. The reforms, expedited by the failed multi-service mission to rescue US hostages in Iran, strengthened civilian control of the departments, improved military advice, empowered the combatant commanders to execute assigned missions, and improved the ability of military leaders to focus on strategy and contingency

¹⁵ Locher, *Victory on the Potomac*, 29.

¹⁶ See H.R. McMaster, *Derelection of Duty: Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff, and the Lies That Led to Vietnam* (New York: Harper Collins, 1997).

¹⁷ Locher, *Victory on the Potomac*, 30.

¹⁸ Watson, *Combatant Commands*, 122-123; Locher, *Victory on the Potomac*, 30-31.

planning.¹⁹ The act rebalanced power at the expense of the service chiefs, who now fell under the civilian service secretaries, vice the JCS, and their roles essentially became that of organizing, training, and equipping the forces for utilization by the CCDR.²⁰ The JCS, however, did retain the charter to advise how to integrate theater strategy with national policy.²¹ The removal of the service chiefs from the operational chain of command thus led to a more streamlined structure in which the CCDR reported directly to the Secretary of Defense. The CJCS, identified as principal military advisor, provided uncompromised advice to the President.²²

The military personnel who command the Combatant Commands (COCOMs) hold four star flag ranks and are career officers in their third or fourth decade of service. In accordance with the provisions of Goldwater-Nichols, each has gone through the required Joint Professional Military Education (JPME) requirements and assignments to ensure they can function effectively in the joint environment.²³ Based on recommendation of the Secretary of Defense, the President nominates each general to serve as a CCDR, which triggers a nomination process in the US Senate.²⁴ In a grand strategic sense, the UCP and the COCOMs are the embodiment of US military policy both at home and abroad, as they not only execute military policy but also play an important role in foreign policy. All Combatant Commanders testify to the Armed Services Committees on an annual basis about their posture and budgetary requirements, and they frequently host Members and staff during a

¹⁹ Locher, *Victory on the Potomac*, 445. The term expedited is apropos. The history reflects decades of realization of the excessive power of the service chiefs, but little headway. It took the operational deficiencies in Vietnam, the seizure of the USS Pueblo, Desert One failure, and inefficiencies on the incursion into Grenada to give the reforms the requisite momentum in Congress.

²⁰ Lambeth, *The Transformation of American Air Power*, 109.

²¹ Owens, *US Civil-Military Relations After 9/11*, 198.

²² Locher, *Victory on the Potomac*, 440. The Act also created the Vice Chairman position to act in absence of the Chairman. The service chiefs remained members of the JCS and could provide dissenting advice through the appropriate channels, if needed.

²³ Watson, *Combatant Commands*, 20.

²⁴ Watson, *Combatant Commands*, 20.

variety of congressional delegation visits.²⁵ The CCDRs walk a fine line between policy implementation and policy-making.

3.2 The Modern Combatant Commander

The modern CCDR arose after Goldwater-Nichols with more control over joint forces, a streamlined chain of command, and recognition as the sole military leader of the war effort for an assigned geographic region or functional area.²⁶ In the twenty plus years since the act's passage, the provisions of Goldwater-Nichols, the Cold War's end, and the overwhelming victory in the first Gulf War, led to an increase in the power of the regional combatant commanders. This insidious, yet cumulative rise of power is the focus of the next section.

Goldwater-Nichols united the military in an unprecedented way. The statutory provisions of the act, for example increasing CCDR power at the expense of the service chiefs, established a lawful construct that removed impediments to operational matters caused by inter-service rivalries over roles, missions, budgets, and weapon systems.²⁷ The first major test of these changes came with Operations Desert Shield and Storm. General Norman Schwarzkopf, the commander of United States Central Command (USCENTCOM), led the large coalition in the ejection of Iraqi forces from Kuwait.

Reflecting on the operations in his account of the war in *It Doesn't Take a Hero*, General Schwarzkopf recognized the complexity of the operations and embraced the issues arising from the large call for forces.²⁸ He detailed the fight among the services on which forces to send, when to send them, and how they would get to the Gulf.²⁹ His statutory

²⁵ Feickert, *Unified Command Plan and Combatant Commands*, 1.

²⁶ For a complete list of all the COCOMs and their duties, see Watson, *Combatant Commands*, 17.

²⁷ Richard H. Kohn, "The Erosion of Civil Control of the Military in the United States Today," *Naval War College Review* 55, no 3 (Summer 2002), 16.

²⁸ H. Norman Schwarzkopf, *It doesn't take a hero* (NY: Bantam Books, 1992), 316, 323.

²⁹ Schwarzkopf, *It doesn't take a hero*, 323.

power provided by Goldwater-Nichols allowed him to direct those efforts. The resounding victory cemented the power of joint and coalition operations, remedying the shortfalls leading up to Congress passing Goldwater-Nichols. The American public, thrilled with the victory, recognized Schwarzkopf as a national hero, throwing parades in New York and Washington DC.³⁰

The Gulf War also cemented Huntington's concept of objective control, erasing the negative visages of civilian meddling prevalent during the Vietnam conflict. President H.W. Bush was adamant on providing clear objectives to the military and ensuring it had the autonomy to conduct the military aspects of the war. The first President Bush fought the war the way the military wanted, with overwhelming force and a top-level hands-off approach.³¹ This proved to the military that when provided with a clear objective and the necessary resources, the likelihood of success increased.

Following the Gulf War, the US government sought to decipher exactly how the US should interact in the post-Cold War world. The government increasingly empowered the military, as the largest and most effective instrument of power, to shape the world under the strategic direction of the secretary of defense and the president. As previously discussed, MOOTW highlighted that military leaders should focus on matters other than large state-on-state conflict. What it really reflected, however, was that the military now needed to focus on continuous engagement across the globe. The CCDRs, with their large staffs and regional focus, became the organization *de jour* to facilitate this change.

The combatant commander, thus, filled a policy vacuum created by the end of the Cold War. In September of 2000, *Washington Post* writer Dana Priest penned a series of articles describing a decade of

³⁰ Schwarzkopf, *It doesn't take a hero*, 493. Also see David Halberstam, *War in a Time of Peace: Bush, Clinton, and the Generals* (NY: Scribner, 2001), page 153.

³¹ Cohen, *Supreme Command*, 227.

accumulated influence by the CCDRs in foreign policy circles, labeling the CCDRs proconsuls.³² These articles formed the foundation for her follow on book *The Mission*.³³ In the book, she passed credit to Secretary of Defense William Perry as the first to recognize the role CCDRs could play through iterative engagements within their respective areas of responsibilities. Perry understood that the size, unity, and effectiveness of the military provided a powerful tool to engage in mil-to-mil relations to bring countries into the US sphere of ideas and geopolitical interests.³⁴

Empowered with large discretionary budgets, the CCDRs learned to operate efficiently in roles traditionally reserved for the Department of State. For example, CCDRs traveled extensively throughout their regions and interacted frequently with leaders of key nations to establish regular ongoing relationships. Infantry soldiers were asked to build pluralistic civil societies in countries unfamiliar to the concept.³⁵ The concept of coercive diplomacy, advocated by Secretary of State Madeline Albright, sought to utilize the military in a concept eventually known as the aforementioned MOOTW. Deemed as nonessential missions, the military resistance to these missions stemmed from the failures in Vietnam.³⁶ However, the military also recognized those missions provided its bread and butter in the immediate years following the end of the Cold War and eventually became comfortable with its new responsibilities.³⁷ Identifying this displacement of duties from the civilians to the military, Richard Kohn argued the CCDRs gained such importance, they effectively

³² Dana Priest, "A Four-Star Foreign Policy?," *Washington Post*, 28 September 2000, A01; "An Engagement in 10 Time Zones," *Washington Post*, 29 September 2000, A01; and "Standing Up to State and Congress," *Washington Post*, 30 September 2000, A01.

³³ Dana Priest, *The Mission: Waging War and Keeping Peace with America's Military* (NY: W. W. Norton & Company, 2003).

³⁴ Priest, *The Mission*, 97.

³⁵ Priest, *The Mission*, 45.

³⁶ Kenneth J. Campbell, "Once Burned, Twice Cautious: Explaining the Weinberger-Powell Doctrine," *Armed Forces and Society*, 24 (Spring 1998).

³⁷ Priest, *The Mission*, 45,71,75,77,97.

usurped US ambassadors and the State Department as the primary instrument of foreign policy.³⁸

In some ways, it was Huntington's objective control run amok. Under objective control, the officer corps agrees to serve the state (and concomitantly the legitimate civilian leaders of the state) and in return is granted significant autonomy to conduct military functions.³⁹ Priest argued that the Clinton administration, in an effort to remedy relations with the military due to the debacle about homosexual policy, made an unspoken pact with the military: "Don't push us and we won't push you."⁴⁰ The administration learned it could assign non-essential missions to the military and the military learned that its advice, when asked for, imposed greater weight.

Therefore, while the military had to execute what it considered non-essential missions, the CCDR gained significant freedoms and power. By the end of the decade, the CCDRs accrued a wide breadth of responsibility. Tasked with an extensive range of issues ranging from the terrorist networks in Afghanistan, Pakistan, the Sudan, and the Gulf Region to the extremist political factions in Kosovo and Bosnia, and the drug battles in Central and South America, the CCDRs routinely sent staff to engage with foreign militaries and governments to foment relationships.⁴¹ As the CCDRs engaged increasingly with other countries in their region, they often felt they formed policy rather than enforced it.⁴²

3.3 After 9/11

The election of Republican President George W. Bush promised to usher in an age of cooperation between the military and civilians.⁴³ At

³⁸ Kohn, "The Erosion of Civil Control of Military," 17.

³⁹ Nielson and Snider, "Introduction," in *Solider and the State in a New Era*, 5.

⁴⁰ Priest, *The Mission*, 44. Clinton campaigned on a promise to end discrimination against homosexuals in the military as a first order of business, but ended up settling for an uncomfortable compromise, the so-called "don't ask, don't tell" policy.

⁴¹ Priest, *The Mission*, 32.

⁴² Cohen, *Supreme Command*, 227; Priest, *The Mission*, 90.

⁴³ Priest, *The Mission*, 25.

least that is how the military seems to have perceived it. President Bush campaigned with the promise that “help is on the way.”⁴⁴ The new Secretary of Defense, Donald Rumsfeld, quickly redefined the meaning of that promise. Help indeed was on the way, in the form of a transformation agenda that would lead some to conclude civil-military relations under the second Bush administration were worse than under Clinton.⁴⁵ Indeed, by the summer of 2001, newspapers were filled with stories of disgruntled generals complaining of overbearing, ignorant civilian leaders.⁴⁶

Signs the new Secretary of Defense felt the autonomous nature of the military needed a new direction occurred early in the Bush presidency. At one press conference he declared, “I want to reinstitute civilian control of the military!”⁴⁷ On February 16, 2000, less than one month after President Bush’s inauguration, US and British airplanes attacked radar sites in Iraq. Somehow, Rumsfeld did not get the brief. A furious Rumsfeld reminded one officer, “I’m the secretary of defense. I’m in the chain of command.”⁴⁸ The military had gained too much autonomy following the Cold War. Rumsfeld sought to rein the military in and shape civil-military relationship for the twenty-first century. He sought transformation.⁴⁹

The events on September 11 provided Rumsfeld the opportunity to jump-start the transformation. Within two years of 9/11, American forces had crushed the Taliban regime in Afghanistan and executed a

⁴⁴ Quoted in Michael C. Desch, “Hartz, Huntington, and the Liberal Tradition in America-The clash with Military Realism,” in *Solider and the State in a new era*, 91.

⁴⁵ Desch, “Hartz, Huntington, and the Liberal Tradition in America,” 92.

⁴⁶ Cohen, *Supreme Command*, 227.

⁴⁷ Priest, *The Mission*, 24.

⁴⁸ Bob Woodward, *Plan of Attack: The Definitive Account of the Decision to Invade Iraq* (NY: Simon & Schuster, 2004), 14-15.

⁴⁹ Priest, *The Mission*, 24. Transformation to Rumsfeld meant bringing the military out of the industrial age and into the information age. It implied a streamlining of the bureaucracy and modernizing the structure of the armed forces. Rumsfeld would famously say his battle was against the Pentagon bureaucracy on September 10, 2001.

brief, but successful campaign to oust Saddam Hussein from Iraq.⁵⁰ The war in Afghanistan reflected Rumsfeld's belief that transformation could work. Utilizing primarily special operations forces, the military leveraged technology to substitute for mass and surprised the world at how fast the Taliban collapsed.⁵¹ Buoyed by success in Afghanistan, Rumsfeld labored relentlessly to shape the plans running up to the Iraq war, questioning the planners at every turn.⁵²

Eliot Cohen described Rumsfeld's management style as very much like his concept of the unequal dialogue.⁵³ In an unequal dialogue, the military and civilian can have a great deal of discussion, but in the end, the civilian leader always wins.⁵⁴ Rumsfeld's constant probing, quizzing, and random memos (called "snowflakes") introduced a new perspective on the relationship between the civilian leadership and the military commander.⁵⁵ A frequent participant in these conversations was the USCENTCOM Commander, General Tommy Franks.⁵⁶ General Franks called his conversations with Rumsfeld an iterative process. Others called it constant negotiation.⁵⁷

Traditionally, the CCDR developed and presented the war plans to the Secretary of Defense for approval. The plan for Iraq was, in turn labeled as owned by General Franks.⁵⁸ However, Rumsfeld artfully found ways to plant ideas and concepts into the plans of the CCDR in charge of those operations without directing him how to do it. It was important to

⁵⁰ Cohen, *Supreme Command*, 230.

⁵¹ Cohen, *Supreme Command*, 228; Also see Michael R. Gordon and Bernard E. Trainor, *Cobra II: the Inside Story of the Invasion and Occupation of Iraq*, 1st Vintage Books ed. (New York: Vintage, 2007), 28.

⁵² Gordon and Trainor, *Cobra II*, 5.

⁵³ Cohen, *Supreme Command*, 230.

⁵⁴ Cohen, *Supreme Command*, 209.

⁵⁵ Cohen, *Supreme Command*, 230;

⁵⁶ Of note, Cohen and other authors have touched on the ability of Rumsfeld to acquire a military team friendly to his view. See Owens, *US Civil-Military Relations After 9/11*, 112; Cohen, *Supreme Command*, 235; Gordon and Trainor, *Cobra II*, 28;

⁵⁷ Gordon and Trainor, *Cobra II*, 29.

⁵⁸ Fred Barnes, "The Commander: How Tommy Franks won the Iraq War," *The Weekly Standard* 8, no 37 (June 2, 2003), 22ff.

be able to say the administration implemented the military's plan.⁵⁹ In the run-up to the Iraq war, Rumsfeld confronted the options provided by the military at every turn. He challenged military planners to develop courses of action utilizing a lighter and technically superior force. Rumsfeld's frequent interventions into detailed military plans frustrated planners who expected autonomy to do their jobs.⁶⁰ However, the initial successes in Afghanistan and Iraq seemed to prove, at least to Rumsfeld, his method led to dramatic results. But it also prevented critical thinking on strategies beyond the end of hostilities.⁶¹ As the conflict in Afghanistan stalled and the battle in Iraq developed into an insurgency, the transformative vision sought by Rumsfeld fell apart.

The day after the mid-term elections in 2006, President Bush removed Rumsfeld from office.⁶² In its December 2006 report, the bipartisan Iraq Study Group explicitly recommended that "the new Secretary of Defense should make every effort to build healthy civil-military relations, by creating an environment in which the senior military feel free to offer independent advice not only to the civilian leadership in the Pentagon but also to the President and the National Security Council."⁶³ President Bush nominated one of the study group members, Robert Gates, to replace Rumsfeld. The crass and gruff style Rumsfeld levied in the Pentagon was replaced with the quiet and stealthy Gates.⁶⁴

In contrast to Rumsfeld, Gates actively sought and demanded candor from the military, saying to West Point Cadets that the key duties of an officer are to "provide blunt and candid advice always, to keep

⁵⁹ Gordon and Trainor, *Cobra II*, 26; also see Cohen, *Supreme Command*, 239.

⁶⁰ Woodward's *The War Within* and Gordon and Trainor's *Cobra II* offer numerous accounts of Rumsfeld's interference at the many levels of planning.

⁶¹ Gordon and Trainor, *Cobra II*, 80.

⁶² Woodward, *War Within*, 205.

⁶³ Quoted in Michael C. Desch, "Bush and the Generals," *Foreign Affairs* 86, no. 3 (May/Jun 2007), 97.

⁶⁴ Thomas E. Ricks, *The Gamble: General David Petraeus and the American Military Adventure in Iraq, 2006-2008* (New York: Penguin Press, 2009), 77, 274.

disagreements private, and to implement faithfully decisions that go against you.”⁶⁵ Gates leadership style demanded the military to act faithfully and be accountable for its actions. True to his word, within two years of his nomination, Gates fired a service chief, surgeon general, combatant commander, the Afghanistan theater commander, two service secretaries, and did not recommend the sitting Chairman of the Joint Chiefs of Staff to a second term.⁶⁶ Whereas Rumsfeld tended to avoid such actions, for example by keeping General Shinseki on staff, Gates provided clear expectations through word and deed on consequences for one’s actions.

Thus, the first decade of the twenty-first century witnessed an upheaval in civil-military relations that was unexpected to the military. The CCDR, after gaining significant influence in the first decade following the end of the Cold War, came under increased scrutiny by a new Secretary of Defense bent on reestablishing civilian control. To be fair, Rumsfeld’s efforts did lead to resounding military victories, in the technical sense. However, the over-application of the unequal dialogue proved disruptive and counterproductive as the wars in Iraq and Afghanistan dragged on. Gates ushered in yet another style of leadership, one requiring a strong sense of duty and accountability. The stark difference in personalities between Rumsfeld and Gates underscore the need for CCDRs to ensure a strong and productive relationship develops, regardless of personality. As the US transitions to another post-war period, the CCDRs and civilian leadership need to account for lessons from the post-Cold War period to ensure that the proper balance of influence exists. The following section discusses implications if not kept in check.

⁶⁵ Thomas L. Wilkerson. “Sprinting Through the Tape,” *U.S. Naval Institute Proceedings* 134, no. 7 (2008), 30; Ricks, *The Gamble*, 274.

⁶⁶ Wilkerson, “Sprinting Through the Tape,” 28-31. The personnel in order are: Air Force Chief Michael Moseley, Army Surgeon General Kevin Kiley, USCENTCOM/CC Admiral Fallon, Commander of Afghanistan Forces General David McKiernan, Army Secretary Francis Harvey, Air Force Secretary Michael Wynn, and General Peter Pace.

3.4 Implications

The military is expected to provide its best advice to its civilian master. This simple and straightforward mandate underscores the cornerstone of civil-military relations.⁶⁷ Huntington's characteristics of an apolitical, professional, and autonomous military--his tenets necessary to uphold his concept of objective control--serve to keep the military *willingly* subordinate to the civilian master. However, with the end of the Cold War, the wars in Afghanistan and Iraq, and the atrophy of the other elements of national power (diplomatic support being the most impactful), a re-evaluation of the impacts the CCDR have on civil-military relations is important.

First, the military shows a consistent tendency to partake in political actions. In the post Goldwater-Nichols era, General Colin Powell established precedence when he wrote an op-ed in the *New York Times* to warn of dangers on getting involved in Bosnia.⁶⁸ Six retired generals publicly criticized Donald Rumsfeld's handling of the Iraq War.⁶⁹ Admiral Fallon aired skepticism on President Bush's Iran policy.⁷⁰ General Petraeus coalesced with Senator Lindsey Graham throughout President Obama's Afghanistan strategy review to leverage the senator's insights.⁷¹ The growing frequency of these political engagements is remarkable.⁷²

Mackubin Owens ties the evolution of these excursions into the political sphere, in part, due to a misreading of H.R. McMaster's *Dereliction of Duty: Lyndon Johnson, Robert McNamara, the Joint Chiefs of*

⁶⁷ Owens, *US Civil-Military Relations After 9/11*, 79.

⁶⁸ Colin Powell, "Why Generals Get Nervous," *New York Times*, October 8, 1992.

⁶⁹ David Margolick, "The Night of the Generals," *Vanity Fair*, March 13, 2007, <http://www.vanityfair.com/politics/features/2007/04/iraggenerals200704>

⁷⁰ Michael C. Desch, "Bush and the Generals," *Foreign Affairs* 86, no. 3 (May-June 2007): 97-108; Thom Shanker, "Mideast Commander Retires after Irking Bosses," *New York Times*, March 12, 2008.

⁷¹ Bob Woodward, *Obama's Wars*, 171 and 206-207.

⁷² Risa A Brooks, "Militaries and Political Activity in Democracies," in *Solider and the State in a New Era*, 214.

Staff, and the Lies that Led to Vietnam.⁷³ McMaster's book details the failures of the Joint Chiefs to challenge Secretary of Defense Robert McNamara during the Vietnam War. While McMaster provides a convincing account of the chiefs' failures, he did not imply a strategy of obstructing the policies and orders of the civilian leadership through leaks, public statements, or resignation.⁷⁴

Notwithstanding the perceived impact of McMaster's book, the Triangle Institute for Security Studies in 1998-1999 found many officers believe it a duty to assert their views on civilian decision makers when contemplating committing American forces abroad.⁷⁵ While Huntington did indicate a need for military concern when civilian authorities attempt to overcommit the nation beyond the strength of its military capabilities, he did not provide much clarity beyond tying those concerns to state security.⁷⁶ Peter Feaver constructed a civil-military relations model based on agency theory to subsume Huntington's in order to account for such shortfalls. Feaver coined the term shirking to describe the tendency for the agent (military) to do what it wants as opposed to doing what it is told to do by the principal (civilian).⁷⁷ In the above examples, the military members utilized public actions to shape policy decisions in the military's favor. Viewed another way, while the military consistently follows policy guidance, it shows a tendency to interact in the political arena to shape policy toward its desires. Instead of following exactly what the civilian says (Feaver calls this working), the military shapes the decision to its favor.

Some suggest that a positive impact to the military participating in political behavior exists, and that Huntington did not address these

⁷³ Owens, *US Civil-Military Relations after 9/11*, 54.

⁷⁴ Owens, *US Civil-Military Relations after 9/11*, 54.

⁷⁵ Ole Holsti, "Of Chams and Convergences: Attitudes and Beliefs of Civilians and Military Elites at the Start of a New Millennium," in Feaver and Kohn, *Soldiers and Civilians: The Civil-Military Gap*, 84.

⁷⁶ Huntington, *Soldier and the State*, 68.

⁷⁷ Feaver, *Armed Servants*, 55.

areas. For example, Risa Brooks highlights that given the existing asymmetry in information between the military and the civilian spheres regarding military issues, the ability of the military to interrelate in the political environment provides a vital tool to further the debate on national security issues.⁷⁸ However, she later acknowledges that the benefits of this participation do not outweigh the negatives in the long-term. In other words, to maintain healthy civil-military relations and maintain the split between the political and military spheres, the two parties must accept the possibility of a more risky, less well-conceived strategy.⁷⁹

Second, effective policy creation will not occur without a presumption of trustworthiness among the military and civilian spheres. For example, Rumsfeld saw General Shinseki, the Army Chief of Staff, as a hurdle to his transformation efforts. When General Shinseki testified to Congress that the Iraq invasion required several hundred thousand troops, Rumsfeld quickly downplayed those high numbers, feeling it reflected Army institutional interest and risk aversion.⁸⁰ During the policy review to decide on the troop surge in Iraq, President Bush lost confidence in the advice offered by General George Casey and eventually replaced him.⁸¹ In 2009, President Obama expressed frustration with the military's advice on the surge in Afghanistan, saying the military was "really cooking the thing [decision] in the direction that they wanted."⁸² These examples reflect the need for an iterative process to determine policy for a complex environment. This process will not occur when personalities, losses of confidence, or frustrations between the civilian and military fail to develop. Huntington did not address the interpersonal

⁷⁸ Risa A Brooks, "Militaries and Political Activity in Democracies," in *Solider and the State in a New Era*, 215.

⁷⁹ Brooks, "Militaries and Political Activity in Democracies," 216.

⁸⁰ Matthew Moten, "A Broken Dialogue-Rumsfeld, Shinseki, and Civil-Military Tension," in *Soldier and the State in a New Era*, 55-56.

⁸¹ Woodward, *The War Within*, 284.

⁸² Woodward, *Obama's War*, 280.

dynamics requisite to the development of sound national security policies.⁸³ Today's CCDR must therefore develop the necessary political-cultural expertise to ensure tensions do not inhibit sound policy formation.

Third, CCDRs must focus beyond the operational level to ensure the military arm remains effective from the start of hostilities through the transfer to post-conflict organizations. Following Huntington's model, which separates the political and military spheres, causes the military to focus on the nonpolitical operational level of war. This can serve to disconnect the conduct of war from the overarching political goals of war.⁸⁴ This manifests itself when CCDRs get caught up in the daily details and fail to see above the operational level to ensure the mission supports strategic goals as laid out by the civilian. For example, General Tommy Franks became so encumbered with deployment and combat mission segments that he failed to address adequately how the war would terminate. While he certainly touched upon it, most accounts depict a general who pushed those duties to the State Department or organizations other than USCENTCOM.⁸⁵ Carl Builder, in *The Masks of War*, provides some insight. He argued each service has its image for war and thus prepares to fight that war.⁸⁶ General Franks' image of war did not include heavy focus on post-conflict planning. Thus, we saw an example of an officer who overwhelmingly prepared to fight the Iraq war within the operational framework in the conventional sense, but ultimately failed to offer advice to civilian leadership that reflected the ability to prepare for the conditions once major combat operations ended.

Fourth, tension-filled relations between the CCDRs and the service chiefs hinder a holistic policy review. Throughout the development of the

⁸³ Nielson and Snider, "Conclusions," in *Soldier and the State in a New Era*, 304.

⁸⁴ Owens, *US Civil-Military Relations after 9/11*, 97.

⁸⁵ See Gordon and Trainer, *Cobra II*, 78; Woodward, *Plan of Attack*, 280-284.

⁸⁶ Carl H. Builder, *The Masks of War: American Military Styles in Strategy and Analysis* (Baltimore: The Johns Hopkins University Press, 1989), 131.

plan for Operation Iraqi Freedom, General Franks often loathed keeping the service chiefs up to speed.⁸⁷ Additionally, the Goldwater-Nichols Act did not envision the President and the Secretary bypassing the advice of the service chiefs. Yet President Bush did not seek advice from the service chiefs until late in the plan's development.⁸⁸ As stated earlier, Goldwater-Nichols relegated the chiefs the duty to advise on how theater strategy linked to national policy. This did not occur with any frequency for the Iraq War plan.

However, the chiefs did not exactly help the relationship. For example, Franks expressed frustration during the planning when the recommendations he did receive reflected the desires of each service. He wanted a joint solution.⁸⁹ Later, when Secretary Gates took over in 2006, he was stunned to discover the mindset at the Pentagon reflected a culture of focusing on future wars rather than supporting the current one.⁹⁰ Essentially, the services organized and equipped for weapon systems they wanted in the long-term, not what the CCDR needed for current conflicts.

While efforts such as The Beyond Goldwater-Nichols project recommended more influence be granted to the CCDRs to affect the service department's requirements, Gate's discovery indicates more work is needed.⁹¹ Additionally, as the service chiefs are designated to focus on national policy implications on strategy, their outlook reaches beyond those of the CCDR by statute. This is as it should be. However, the continuing challenge for future senior military and civilian leaders is to strike the right balance of needs in order to meet both. Acrimonious

⁸⁷ Gordon and Trainor, *Cobra II*, 53.

⁸⁸ Woodward, *Plan of Attack*, 207.

⁸⁹ Woodward, *Plan of Attack*, 117.

⁹⁰ Woodward, *Obama's Wars*, 20.

⁹¹ Charles Murdock, Michele Flournoy, et al, *Beyond Goldwater-Nichols: US Government and Defense Reform for the New Strategic Era*, Phase II report, (Washington DC: Center for Strategic and International Studies, July 2005), 82.

relationships and disdain of one another's counsel will always be harmful.

Finally, by identifying a single face to the overall war effort, Goldwater-Nichols provided the power of public persuasion to the generals and admirals prosecuting war. When combined with substantial social prestige that the US military currently holds, it can prove quite effective.⁹² For example, General Petraeus threatened to explain to the American public the reason the surge failed was because he did not receive force requests in a timely manner.⁹³ While not a CCDR, General Schoomaker capitalized on military prestige in conversations with Congressman Murtha.⁹⁴ Rumsfeld, with his crafty ways to ensure the plan for Iraq reflected the advice of the CCDR, showed a respect for the military's high standing in society.⁹⁵



⁹² Brooks, "Militaries and Political Activity in Democracies," in *American Civil-Military Relations – Solider and the State in a New Era*, 232.

⁹³ Bob Woodward, *The War Within: a Secret White House History, 2006-2008* (New York: Simon & Schuster, 2008), 126.

⁹⁴ Woodward, *The War Within*, 243.

⁹⁵ Gordon and Trainor, *Cobra II*, 26.

3.4 Conclusion

While these implications are certainly not all encompassing, they point to many issues within which the senior leaders in charge of conducting America's wars continue to manage. If the trend of tasking the military to continue conducting missions that traditionally fall in the civilian realm endures, then the experience of the military will only increase in those areas. While at times disagreements will occur, the 1990's showed the ability of the CCDR to adapt and learn from those experiences by gaining influence and valuable relationships with leaders from nations around the world. Today's senior military officer has decades of experience accrued at the expense of civilian counterparts. While efforts to address that experience have occurred, especially in the funding area, until that deficit can be broached, the military will continue its reign as the 800-pound gorilla in the room.

The tenure of Donald Rumsfeld shows how civil-military relations can deteriorate when the senior civilian seeks to shape military advice. Demanding the military to acquiesce during policy discussions may prove disingenuous given the level of experience and knowledge garnered by the military institution under orders of the civilian. Instead of the unequal dialogue, as proposed by Eliot Cohen, the transition to an equal dialogue, but unequal authority may offer the best path forward. As Richard Betts posited, the President has the right to be wrong, but the general has every right to prevent error before that end.⁹⁶ The long tradition of the military remaining subordinate to the civilian in US history suggests equality in policy deliberations will not compromise civilian supremacy.

⁹⁶ Richard Betts, "Are Civil-Military Relations Still a Problem," in *Soldier and the State in a New Era*, 34.

Recommendations and Conclusions

War shows few signs of going away. It is capable of erupting in unexpected places and unpredictable forms, as we have witnessed in the recent terrorist attacks against the United States.

Professor Carnes Lord

Threats of the twenty-first century differ substantially from those in the Cold War. The Soviet Union provided an external danger for the military to focus its power. This resulted in an outward-focused military, posing little threat to the domestic establishment.¹ The dissolution of the Soviet Union constituted a removal of focus of an outward-looking military and introduced the possibility for a turn inward, a fear of Huntington.² While his seminal work provided a solid foundation for both the military and civilian regimes to forge a successful path forward, the three case areas examined in this thesis indicate future civil-military relations theory requires expansion beyond Huntington's precepts.

Although external missions still exist, their non-traditional nature does not match the Cold War pattern of civil-military relationships framed by Huntington's theory, which proved attractive during the Cold War, when the military and civilian generally approached problems from a similar point of view. However, as Desch contended, the end of the Cold War separated those converged thought patterns.³ Civil-military relationships now primarily entail discussions on operations for smaller conflicts, irregular warfare, counter-insurgency operations, and stability operations. Terrorist threats, natural disasters, and border security bring the military's focus closer to and within the homeland. Furthermore, knowledge on national security affairs within the executive and

¹ Feaver, *Armed Servants*, 220.

² Michael Desch, "Soldiers, States, and Structures: The End of the Cold War and Weakening of U.S. Civilian Control," *Armed Forces & Society*, (Spring 1998), 393.

³ Desch, "Soldiers, States, and Structures," 398.

congressional leadership of the US reflects a noticeable decline.⁴ Senior military leaders, the combatant commanders for example, filled this knowledge gap by taking on a wider breadth of duties and responsibilities. Thus, the principal paradigm for framing civil-military relations can no longer fall solely to Huntington.

War is too important to be left to the PMC

If the current trends on the use of PMCs continue, future conflict will require more public-private cooperation. This cooperation will need to be fully transparent to the public to allow proper debate on what entity conducts violence on behalf of the state. Congress cannot exercise proper oversight over the executive branch, regarding PMCs, due to loopholes related to contractual amounts and the private nature of the PMCs. This, combined with the expansion of PMCs into core-related military functions, introduces friction in the civil-military discourse.

Therefore, the US should discontinue the use of PMCs to conduct security tasks that traditionally belong to the military. Steps in this direction occurred in September of 2011. The Office of Management and Budget released policy guidance clearly defining activities inherent to government agents.⁵ Additionally, closing the loopholes to circumvent congressional oversight will allow the opportunity for debate and help paint a clear picture of the means required, public or private, for ongoing and future operations needed to meet policy. However, the market for forces specializing in low-intensity ops will continue to drive PMCs to

⁴ Desch referred to a study on the Civil-Military gap eventually published in Peter D. Feaver and Richard H. Kohn, eds., *Soldiers and Civilians: the Civil-Military Gap and American National Security* (Cambridge, Mass.: The MIT Press, 2001). This decline in national security interest was covered in chapter 11, Peter J. Roman and David W. Tarr, "Military Professionalism and Policymaking: Is There a Civil-Military Gap at the Top? If So, Does it Matter?"

⁵ Charles S. Clark, "White House clarification of 'inherently governmental functions' draws criticism," *Government Executive*, 13 September 2001, <http://www.govexec.com/oversight/2011/09/white-house-clarification-of-inherently-governmental-functions-draws-criticism/34892/> (accessed 11 April 2013).

lobby for their use. If the US repeats the significant force cuts following the end of operations in Afghanistan and Iraq, as it did following the Gulf War, PMCs stand to profit from the drawdown of service members experienced in those areas. This thesis included an argument that delegating core security tasks to PMCs introduces hurdles for proper oversight and can tarnish America's image at home and abroad. Therefore, if the solution requires increasing pay and force structure for the military members in needed career fields, then so be it.⁶

The use of PMCs for support functions, such as logistics or training, will remain a critical capability for the military's preparedness. The risks of companies such as KBR retaining the majority of logistical capabilities through LOGCAP are acceptable. For example, limiting PMC duties to such tasks allows the military to keep active-duty force sizes manageable while focusing on the application of violence. When PMCs encroach on those core security tasks, where the lines between the public and private spheres blur, this leads to the issues and implications already discussed.

The risks and consequences of relying on PMCs to apply force in order to achieve foreign policy goals are simply too great. It is imperative to keep the PMCs in the proper lane of support and training, not in the adjudication of violence. In this sense, Huntington's axiom of the military as the manager of violence remains relevant. The purpose of the military is to conduct violence, to kill and break things on behalf of the state. The PMC holds no such allegiance, and thus cannot be given similar responsibility and be expected to hold the same level of loyalty.

Homeland Security: A Concept in Progress

⁶ Alternatively, military service could be a requirement for a certain percentage of the population. While not the focus of this thesis, it could take the form of a modified draft. See Dolman's *Warrior State*, specifically 171-173, where he discussed population and national service challenges.

The DHS is still immature. The spectacle surrounding the failures of the department in its response to Hurricane Katrina represented systemic problems of an organization created on a whim. Nor is it easy to forget. The military response represented a bright point in the relief efforts and led to calls for *Posse Comitatus* act reformation to allow easier involvement of federal troops for domestic response. The tortured tale of the creation of DHS and its early years indicates the organizational frustrations of attempting to conglomerate such a disparate set of agencies. In retrospect, the arduous task of turning the Homeland Security Act from a bill into reality was destined to fall short, and it only took a catastrophic event like Hurricane Katrina to highlight those shortcomings.

In some ways, Washington entered into uncharted territory with the establishment of the DHS. While the creation of the DOD in 1947 bears some resemblance, the US government had yet to merge so many different moving parts into one.⁷ Time tends to mend the cracks and fissures of large reorganizations. It took the DOD until 1986, with the passage of the Goldwater-Nichols Act, to right the balance of organizational power and influences. However, the DHS may not have the luxury of nearly 40 years to find the optimal solution.

In the meantime, the military and, more particularly, the National Guard will experience pressure to increase participation in homeland-related missions. Traditionally, this is as it ought to be. The military's organizational prowess represents a powerful gap-filler for short periods to accommodate time for civilian agencies to respond. However, fencing Guard responsibilities over to the DHS presents significant issues for the DOD. The primary issue, depleting the main operational reserve source, may prove too high an obstacle to overcome. Since the end of the Cold War, the Guard (and Reserves) solidified its place as a critical operational

⁷ Stanger, *One Nation Under Contract*, 137.

reserve. The increased reliance on the military's reserve components for operations in Afghanistan and Iraq further substantiates this point. Thus, the Guard's tie to the active duty mission remains a strong organizational tradition and a significant source of funding.

Huntington was well aware of the power of the National Guard lobby and the importance (to the Guard) of maintaining its dual status nature.⁸ However, Huntington could not foresee the establishment of a large department to handle homeland issues. The organizational influence of the DHS over time could sway the Guard to favor homeland missions over training for overseas missions mandated by the DOD. The DOD, as shown in this thesis, has lagged in its efforts incorporate the training tenets necessary to meet the growing homeland responsibilities. While this does not meet what Peter Feaver calls shirking, it does indicate foot dragging on behalf of the DOD.⁹

A need exists for the DOD to work with the DHS to ensure the Guard can meet any surge requirements in time of national need—in the homeland as well as overseas actions. At the same time, the DHS needs to develop further its capabilities so as not to rely on that surge capability to the point where it becomes a crutch. Further research is needed in this area to understand how an increased DHS capability, whether it manifests itself through an organic DHS force or increased Guard participation, will affect civil-military relations.

⁸ Huntington, *Soldier and the State*, 171-173.

⁹ Feaver, *Armed Servants*, 55.

Equal dialogue, unequal authority?

Since the Goldwater-Nichols Act of 1986, the combatant commander has matured into a powerful component in the civil-military relationship. From General Schwarzkopf to General Petraeus, the expansion of responsibilities and requirements to understand more than just the military aspects of an operation give the person in those positions significant sway in policy formulation. Defense Secretary William Perry recognized the political role CCDRs could play toward achieving foreign policy objectives through iterative engagements in their respective regions. Since then, the CCDRs achieved a level of influence that led Donald Rumsfeld to re-assert civilian primacy when he became the defense secretary.

The evolutionary strengthening of the CCDR position and subsequent tension in the Rumsfeld era, however, point to another less discussed reality. The CCDR over the years gained immense experience and infrastructure to accomplish a wide range of tasks. These characteristics make the CCDR an attractive option to facilitate foreign policy goals, regardless if its activities fall outside traditional military roles. If the military can conduct non-traditional missions in a manner to support and enhance its wartime mission, then these manifestations will prove useful.¹⁰ However, as the experience of the military increases in those areas, the senior officer may feel more inclined to question policies that are plainly in the domain of political leaders.¹¹ An adjustment to Huntington's ideal of an autonomous military is warranted.

In its pure form, Huntington's objective control construct is not adequate for today's conflicts because of the need to integrate a wide range of specialties into the military's repertoire (e.g. electricity, water systems, governance, and infrastructure). It requires the senior military

¹⁰ Dolman, *Warrior State*, 177.

¹¹ Professor Carnes Lord, *The Modern Prince: What Leaders Need to Know Now* (New Haven and London: Yale University Press, 2004), 165.

commander to understand policy at the strategic level. But it also requires an ability to communicate it across interagency lines, with subordinates, and to foreign leaders within the CCDRs' regions. Removing political judgment from the military profession, as proscribed by Huntington, unduly narrows the focus of today's military leaders to the operational and tactical levels.¹² If the military will continue to take on roles more traditionally handled by civilian agencies, the ability of senior officers to provide advice on those roles necessitates a broad education. It also requires a different construct than objective control.

In retrospect, the CCDR has morphed into a one-stop shop for the civilian to call upon to provide a myriad of options to any given problem. This favorable position, as this thesis showed, tends to overshadow the inputs of the independent service chiefs throughout policy and strategy formulation. It levies a heavy burden on the CCDR to understand not only the complex military piece to a problem, but also inputs from other sources of national power.

In his book, *Supreme Command*, Eliot Cohen describes how four state leaders managed senior military leaders during wartime. He persuasively described how the civilian must question the military commander to ensure the achievement of policy objectives. His term for this process was the unequal dialogue. He portrays Rumsfeld's iterative process of questioning as a successful example.¹³ However, the acrimony arising from Rumsfeld's behavior proved too disruptive to civil-military relations. A source for this acrimony stemmed from the military's desire for clear political guidance and the autonomy to accomplish matching objectives. However, this only works when political guidance ties directly to military activities. This stovepipe thinking no longer works. Conflicts

¹² Lacquement Jr. and Schadow, "Winning Wars, Not Just Battles," in *Soldier and the State in a New Era*, 114. Furthermore, Huntington dismissed military involvement in the political planning process, deeming such actions as examples of excessive military involvement in nonmilitary matters.

¹³ Cohen, *Supreme Command*, 240.

today require the integration of other instruments of power, often spearheaded by the military. Subsequently, the military must learn to accept a higher level of inquisitiveness from its civilian masters.

I submit the approach of an equal dialogue with an unequal authority, as introduced by Betts, can work. The concept implies the senior military officer, such as the CCDR, garners a level of respect during policy discussions on par with the civilian, but when the decision is made (and is legal) the military member is obligated to follow civilian orders--regardless if the civilian is right or wrong. Rumsfeld's approach of incessant questioning and interference with well-established (and validated) methods to deploy forces proved disruptive. Yet, the initial results in Afghanistan and Iraq proved otherwise. The downfall showed in the lack of planning and thought dedicated to when major combat operations ended. Neither the civilian nor the military agencies spent adequate time on this portion, in part, due to a lack of respect for one another's experience.

Final Thoughts

Civil-military relations will continue to evolve as the national security environment changes. The requirements of the military will adjust to the needs and desires of the civilians who represent American societal ideals formed in the nation's earliest days. The historical fear of a large standing army still influences the roles tasked to the military, although, less so now than during the publishing of the *Soldier and the State*. The attacks on 9/11 provided the inspiration and legitimacy to retain a large standing force in the shadow of the Cold War finale. As the conflict in Afghanistan ends and the troops come home, how the government chooses to balance the calls for downsizing against the turbulent nature of the world environment remains the definitive problem.

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